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THE



Presented by the
HISTORY, OPINIONS,
English Presbyterian Association
AND

PRESENT LEGAL POSITION

OF THE

ENGLISH PRESBYTERIANS.

PUBLISHED UNDER THE DIRECTION OF

"THE ENGLISH PRESBYTERIAN ASSOCIATION."

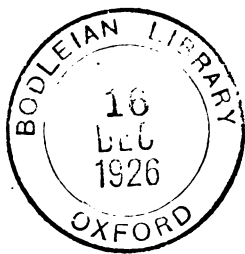


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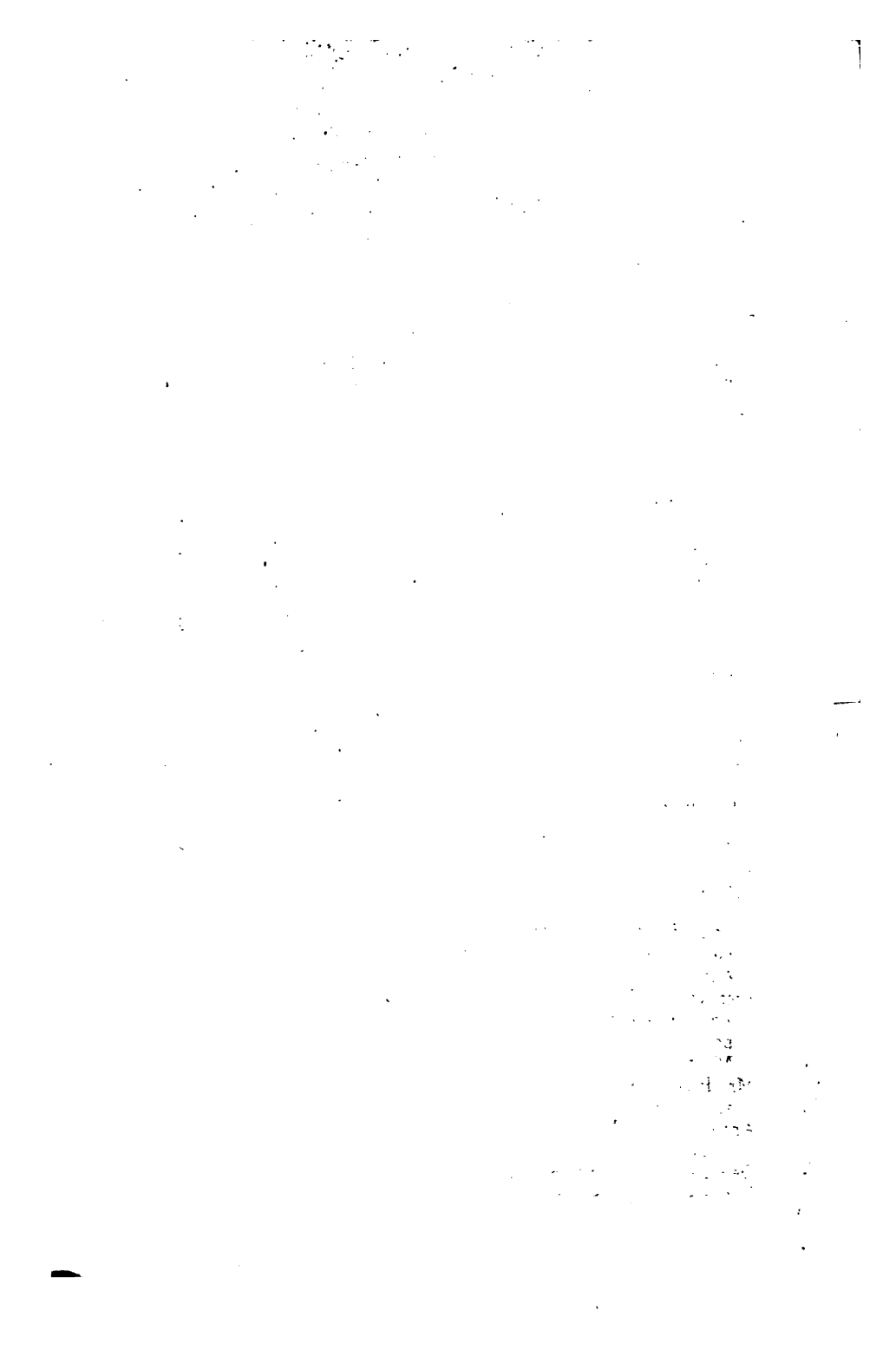
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INTRODUCTION.

THE ENGLISH PRESBYTERIAN ASSOCIATION believing that much misapprehension exists with regard to the history and opinions of the body of Protestant Dissenters which they represent, consider it their duty to place before the public a succinct statement of the matters on which the present topics of literary, and unfortunately of legal, controversy particularly turn; and to show that, so far from counteracting the design of their forefathers, they are, in the application now made of Presbyterian Endowments, acting in the direct spirit and intent of those foundations, and in the only way consistent with the true principle of Protestant Dissent. Reverencing the truly Christian virtues of their ancestors,—humbly desiring to follow the noble example left for their imitation,—and perfectly resigned to quit even the endowments consecrated by such associations, if they can only be held subject to restrictions upon the sacred right and duty of free inquiry,—they commit the result to the respected authorities with whom the legal determination must rest, and to the sympathy of the enlightened friends of religious liberty in every denomination of Christians.



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CORRIGENDA.

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THE HISTORY, OPINIONS, AND PRESENT LEGAL POSITION OF THE ENGLISH PRESBYTERIANS.

THE present age of liberal legislation, and of enlightened public feeling on all topics affecting religious liberty, has singularly enough given rise to the discussions which will be examined and illustrated in the ensuing pages.

Nature of
the discus-
sion.

The historical details we are approaching relate to what may truly be considered as, in every point of view, an important CHAPTER IN PROTESTANT ECCLESIASTICAL HISTORY.

The descendants of the English Presbyterians, who, about the beginning of the last century, established many permanent congregations, assembling in chapels founded for the purpose, have hitherto considered themselves as representing a body peculiarly distinguished by the practical adoption of the Protestant principle of unrestricted private judgement in matters of religious belief. On this principle alone their churches are, and have always been, based; and they perhaps form the only religious community which has, under all circumstances, followed out that principle in all its consequences. They have trusted to the final prevalence of truth, supported by its own evidence alone; and they point with pride to the convocation in which their ministers took part so early as 1719, as to *nearly* the only ecclesiastical assembly which ever determined to repel all creeds, confessions, and subscriptions, even for the protection, as it is called, of doctrines which most of the members sincerely held, and many believed to be essentials of Christianity.

Supposed
leading
principle of
English
Presbyter-
ians.

Their endowments.

The English Presbyterians have considered the endowments handed down to them from such ancestors as founded on this broad and enlightened principle. Finding no restrictions imposed, and believing that all such would have been inconsistent with the most cherished principles of their body, they have considered themselves free to follow the convictions of their minds; and their congregations have accordingly passed through varying and successive changes of doctrinal opinion, though without, *as* congregations, propounding *any* scheme of faith, as a condition or basis of union.

The theological result has generally been similar to that which has taken place in the parent Church of Geneva, as well as elsewhere, under similar circumstances. The essential doctrines of the Calvinistic faith, in which the Puritans originally concurred, have been gradually abandoned by the greater part of those now known by the name of English Presbyterians.

Independent principle.

On the other hand, the Independents, departing from the principle which first distinguished them as a body, and some other Nonconformists, (under the influence, no doubt, of strong conscientious feeling on the subject,) refused to carry the Protestant principle to its full extent,—restrained the progress of what they deemed dangerous speculation, by creeds, confessions, and subscriptions, and have in their churches, if not always individually, maintained their original faith to a much greater extent, though still with very important modifications from the standard of the Westminster Confession;—modifications amply sufficient to shake their own title to many Calvinistic endowments, if a rigid restriction to the precise creed of the founders were enforced.

Contrast.

The two bodies, and the principles on which they act, stand now, as they have always done, distinctly characterized; though the contrast is now become more prominently marked, by the matured action on the two systems having led to opposite results.

Presbyteri-

In this state of things the existing occupants of old

Presbyterian endowments are summoned to surrender them to those who consider themselves, in the character of professors of a more orthodox creed, the proper beneficiaries. Those who have departed from certain ancient symbols are treated as unworthy to participate in the common enjoyment of benefactions which their ancestors liberally extended to the Dissenting community in general, without restriction to creed or discipline.

ans called
on to give
up endow-
ments.

By the modern Independents, or Congregationalists, it is urged, by a process of reasoning not easily to be followed, that they are proper representatives of the older Presbyterians; and that they are fulfilling the intent of those founders, to whom they have ever been opposed as to the principle of imposing any fetters on the freedom of inquiry, in trying to eject those who have acted on the liberal principle handed down to them, and to replace them by those who fence their faith by creeds and subscriptions. It is held to be only necessary to make out the probable opinions of the founder,—which he, consistently with his own principles as a Protestant Dissenter, refrained from imposing or even declaring,—to rack his descendants with the inquisitorial inquiries of the Court of Chancery, and to replace them by persons holding some of his peculiar opinions; thus sacrificing the leading principle, which all history and the terms of the endowments show to have been the general pervading intent, to a fanciful particular intent as to doctrine, not declared by the founder, and often to be gathered only from vague and very questionable inferences.

Title dis-
puted.

It is further argued, that, even if the general intent of the founder were not matter of controversy,—if his opinions corresponded with those of the present holders,—if his words and actions indicate approval of an unlimited freedom of inquiry,—still that by the presumptions and inferences of law, such intent must be restrained within the limits of the scanty legal toleration of the founder's day; notwithstanding the subsequent legislative declaration in favour of the widest range of inquiry, and the statutory application (by 19 Geo. III.) of the title and privileges of Protestant

Legal
ground of
ejection.

teachers and ministers to all those who will declare their acceptance of the Scriptures as the rule of their faith and practice.

Consequences involved.

These are grave matters to Presbyterian Dissenters personally; for they involve their exclusion from the scenes of the devotion of their ancestors nearly a century and half ago; where the property of their families has, through succeeding generations, been expended; and where, in many cases, their forefathers have been buried.

Public question.

To the public also,—to every friend of religious liberty,—to all consistent Protestants who object to exclusive church establishments, on the ground that they interfere with the free exercise of opinion in the most important concerns of man,—the question is important. It amounts substantially to this: **WILL THE COURT OF CHANCERY, IN DIRECTING THE ADMINISTRATION OF CERTAIN PRESBYTERIAN CHARITIES, ACT ON THE PRINCIPLE THAT THE SCRIPTURES ARE A SUFFICIENT RULE OF FAITH AND DOCTRINE, WITHOUT THE AID OF CREEDS AND INTERPRETATIONS IMPOSED BY HUMAN AUTHORITY?**

Early history of Dissent.

We shall proceed, in the first instance, to consider the prevailing character of that Dissent from the Church of England which, at the beginning of the last century, distinguished the bodies who are now, as they were then, opposed to each other on the same essential points.

Confusion as to the Presbyterian body.

Much confusion has arisen from the variations which have occurred in the state and practice of the Presbyterian body not being correctly distinguished. Presbyterians of one age have been confounded with those of another, and the intentions, views and opinions of men of one date, with what no doubt may have been the intentions, views, and opinions of those of another.

Differences at the Reformation as to forms, &c.

The early settlement of the Church of England was accompanied by many difficulties. Some of the Reformers desired the adoption of the discipline and service of the Church of Geneva; others, the service of King Edward VI. Each party proposed his own scheme, and that on which the Church was finally established became the occasion of many dissensions. Its forms and ceremonies, its ordinances

and discipline partook strongly of a model which the more strict reformers abhorred. In Prelacy itself a distinguished feature of the Romish Church was preserved, and to the bishops a jurisdiction was given to which many objected. To extinguish the expression of opposition to a system in many of its parts vicious, an Act was passed, in the first year of the reign of Elizabeth, to secure the uniformity of worship. Dissent was forbidden by law; and, from the severity with which the law was executed, was practically suppressed.

Upon the death of Elizabeth, the opponents of Episcopacy confidently looked forward to a change in the church government. James had been bred up a Presbyterian; he had professed Calvinism, and sworn to observe the Covenant. Seven hundred of the clergy presented to him an address, called the *Millenary* Petition, to abate the rigor of the laws enacted in the support of ceremonies, and against the Puritans*. Everything appeared to concur to favour the Presbyterian party. In 1604 the Conference of Hampton Court was held. It was professedly designed for the settlement of the disputes respecting church ceremonies. The questions considered related to howing at the name of Jesus, the use of the surplice, and other forms which were offensive to conscientious persons, and might have been abolished without any injury to the Church. James, however, allowed the Conference to be a mere exhibition of his own limited learning; and it separated without any satisfactory determination of the questions it had entertained. And yet, if the proceedings disappointed those immediately engaged in them, they were not unproductive of important consequences. The questions then agitated had not for a long time previously been openly discussed; a new importance was given to them; and they were disputed with a boldness which was certain of imitation.

Prelacy was disliked during the reign of Elizabeth and of James I. as part of a system of church government, wanting

Accession
of James.

Hampton
Court Con-
ference.

Opposition
to Prelacy.

* Fuller, Church Hist. Book X. p. 7. Collier, Ecclesiastical Hist. II. 672.

that authority for its establishment which many considered as necessary; and the conduct of several prelates greatly added to its unpopularity. It is vain to ascribe its subsequent abolition to any of those attempts to change the entire form of government which were made in the time of Charles I. It was desired before the conduct of Laud stimulated resistance to ecclesiastical tyranny; before Charles had shown his contempt of parliaments; before the people, animated to resistance at witnessing a violation of their highest privileges, sought a change in the Constitution. The institution had never been popular; and if its abolition was connected with demands of a civil character, it was because it had become impossible to separate religious from civil grievances.

Establishment of Presbyterian forms;

In 1642 the Presbyterians obtained a complete ascendancy. In 1644 an Ordinance was passed for the adoption of the "Directory for Public Worship," and the abolition of the "Book of Common Prayer." Two years afterwards the Scotch model of church government was established for three years; and in 1648 was passed the Ordinance respecting the "Form of Church Government to be used in England." Presbyterianism was thus established by law. Classes, synods, and assemblies were constituted, and all the machinery of an organized church created, as far as the law could effect it. As a practical system of church government, however, it never generally prevailed*. It was carried into complete effect in London and Lancashire; but in many parts of the country it never, even in form, existed. The spirit of resistance to the old system was much stronger and more united than any feeling of preference for the particular scheme proposed to be substituted.

but partially in practice.

Freer views of church government.

While the endeavours of the Presbyterians were directed to the depression of Episcopacy and the establishment of their own church government, the temporary absence of restraint gave rise to new views, and new habits. Some began to hold that priestcraft, in any form, was a power to be jealously restrained;—that "new Presbyter was but

* Hallam, Constitutional Hist. vol. ii. p. 273.

old Priest writ large." A new party, who entertained no dread of religious differences, but asserted the most unlimited freedom of independence, thought, and action in religious matters, and who, with the exception of Papists and Episcopalians, afforded protection to every *religious* denomination, virtually overthrew the Presbyterian establishment*.

The 35th, 36th, and 37th articles of Cromwell's Ordinance for the government of the Commonwealth declared: "That the Christian religion contained in Scripture be held forth and recommended as the public profession of these nations: That to the public profession held forth, none shall be compelled by penalties or otherwise; but that endeavours be used to win them to a

Cromwell's
Ordinance.

* To the early Independents the honour is due of having first practically carried into effect tolerant principles; and had they always adhered to them, their late persecuting proceedings in the Court of Chancery had not been witnessed. The persecution of Paul Best for holding Antitrinitarian opinions was the first occasion of their display. Among the publications of the time, was "A Letter of Advice unto the Ministers assembled at Westminster, wherein it is hinted that Paul Best, (whatever his error be at present,) as well as Paul the Apostle, once a blasphemer, may one day become a convert, if he be not untimely starved to death beforehand: 1646." In the same year, Leonard Busher's *Treatise on Religious Peace*, first printed in 1614, was reprinted, with a preface addressed to the Presbyterian reader, containing the following remarks:—"The second thing his discourse drives at is to make it appear, by Scripture and sound argument, that the only way to make this nation happy, and to preserve the people in love, peace, and tranquillity, is to give liberty to all to serve God *according as they are persuaded is most agreeable to his word*; to speak, write, print, peaceably and without molestation, in behalf of their several tenets and ways of worship, (wholesome and pertinent laws being made, upon penalties, to restrain all kinds of vice or violence, all kinds of reproach, slander, or injury, either by word or deed). And though this advice likewise seems not the best to some, especially to you my brethren in the Presbyterian way, yet I am well assured this nation will never be happy,—but as hitherto it has been, so for the future it will be distracted with oppression and persecution, and the faces of one sort of men set against another, till liberty of conscience be allowed." For the early principles of the Independents, see Hume's *History of England*: London, 1810, vol. vii. pp. 522, 523. Brodie, vol. iii. p. 517.

sound doctrine, and the example of a good conversation : That such as profess faith in God by Jesus Christ, (though differing in judgement from the doctrine, worship, and discipline held forth,) shall not be restrained from, but shall be protected in, the profession of the faith and the exercise of their religion ; so as they abuse not this liberty to the civil injury of others and to the actual disturbance of the public peace on their parts ; provided this liberty be not extended to Popery or Prelacy ; nor to such as, under the profession of Christ, hold forth and practise licentiousness*."

Effect of
this decla-
ration.

By this memorable declaration all religious sects were, with two exceptions, one more nominal than actual, placed upon a footing of equality. " During this period of the Commonwealth no system of church government can be considered as having been properly or fully established. The Presbyterian, if any, enjoyed this distinction. But the ministers who occupied the parish churches were of very various sentiments. Many of them were secret friends of the old episcopacy and the liturgy; many were for a reformed episcopal government; others thought no form of ecclesiastical polity of divine right, or gave themselves no concern about the matter; some were Independents, and a few were Baptists. Cromwell's policy encouraged this diversity: he dreaded the ascendancy of any one party. If the ministers attended to their own duty, and did not interfere with his affairs, their sentiments upon church government did not prevent the enjoyment of his favour†."

The Resto-
ration.

The political rivalry of the old parties again showed itself upon the death of Cromwell. The Presbyterians contributed to restore the ancient form of government; but they did so under stipulations for enlarged toleration which evince their own progress towards those more enlightened views of religious liberty which afterwards characterized them.

* Ordinance of the Lord Protector, 1653.

† Orme's Life of Owen, p. 187.—The conduct of Cromwell would, in some cases, appear to have been opposed to the spirit and terms of his Ordinance. The prosecutions, however, of Episcopalians and other religious persons were doubtless political.

Charles, in his declaration from Breda, promised, at their instigation, to grant liberty of conscience; so that no man should be disquieted or called in question for differences of opinion in matters of religion, which should not disturb the public peace; and to consent to any Act which should be presented to him to confirm this indulgence.

Such an alteration in the Church was expected by the Presbyterians as would enable them to continue in it. The Independents, whose peculiar principles of church government placed them out of any scheme of comprehension in the Establishment, relied upon the King's declaration for permission to continue their religious worship out of the Church. The Presbyterians, on the contrary, expected to be comprised within the Church; in which, till the Act of Uniformity, their leading members remained; and made strong endeavours with the Government to obtain their object*. The omission of many ceremonies in the Book of Common Prayer was principally desired. In the recess of the Convention Parliament, Charles published a Declaration, repeating many of the promises made at Breda, of alterations in the ecclesiastical jurisdiction of the Church; of the revision of the liturgy by divines of the Church and of the Presbyterian party; of exemption from all molestation for not using the liturgy before its revision; of the abolition of many ceremonies, and of toleration of religious differences. A Bill was brought into Parliament by Sir Matthew Hale, to make the Declaration of the King law; but it was lost by a majority of twenty-six.

Attempts at
comprehension.

Twenty-one Episcopalian, and as many Presbyterian, divines were appointed in 1661, to hold a conference at the Savoy. Their objections to many of the services and cere-

Savoy Conference.

* "The Independents were too irreconcilable to the Established Church for any scheme of comprehension, and looked only to that liberty of conscience which the King's declaration from Breda held forth. But the Presbyterians soothed themselves with hopes of retaining their benefices by some compromise with their adversaries. They had never, generally speaking, embraced the rigid principles of the Scottish clergy, and were willing to admit what they called moderate episcopacy."—*Hallam*, vol. ii. p. 432.

monies of the Church were again made, and again rejected. A little concession by the High Church party at this time would have prevented much of that dissension with which they have ever since contended. An union with an able and learned body of persons would have been effected. Its terms required no yielding on essential points, and the Church would have been strengthened. All negotiation, however, failed. Charles, under the advice of the party which rallied round him on his return, neglected his promises; the High Church party was confident of its strength, and the Presbyterians could not conscientiously yield their objections.

Act of Uniformity.

The Act of Uniformity, commonly called the St. Bartholomew Day Act, from many of its most offensive provisions coming into effect upon that day, (the 24th of August,) was passed in 1662. It required each minister publicly to declare his assent to everything contained in the Book of Common Prayer, on pain of being deprived of his benefice. The result was, that nearly two thousand ministers quitted the Church, or were silenced. Until this event, the Presbyterians had been nearly all in connexion with the Establishment, and their negotiations, to prevent their exclusion from it, had been encouraged by the conduct of Charles*.

Ejection of the Non-conforming ministers.

Establishment of Dissenting congregations.

The ejection of the Nonconforming clergy was followed by the formation of distinct congregations out of the Church, under the care of the Ejected Ministers. The greater part of these assumed, and have continued to bear, the name of Presbyterian congregations; though, except in Lancashire and Cheshire, and, in a slighter degree, in Devonshire, little attempt was made to establish a proper Presbyterian form of church union and government.

Presbyte-

The ejected members of the Church (though inclined to

* "As Dr. Owen held no living in the Church, he was not involved in the consequences of the Act of Uniformity. All that he and those with whom he acted sought, was toleration or liberty of conscience. A comprehension within the pale of the Establishment was incompatible with their (the Independents') principles, and inconsistent with their wishes."—*Orme's Life of Owen*, p. 244.

Presbyterian discipline, and having during the Commonwealth favoured it,) never attempted to perfect a rival scheme of church government. The persecution to which the new congregations were exposed would have rendered it impracticable, or imprudent, to have done so. Each congregation necessarily conducted its affairs on an independent principle. For a long time subsequently to their ejection, the Presbyterian Dissenters seem to have still hoped for the arrival of a better system, under which they should again be comprehended in the Church; and when this hope failed, other views and principles of action had intervened, which prevented any attempt to reestablish the old Presbyterian system of church government*. The body of Presbyterians, therefore, from their first separation from the Church, were so denominated, in somewhat of a secondary sense; and they retained the appellation principally to distinguish themselves from the Independents, who had always been aloof from either Church, and who in their turn underwent considerable modifications.

rian system
not perfect-
ed.

It is needless here to speak of the merits and virtues of these founders of the Nonconformist Churches. A voluntary sacrifice had been made by them, unparalleled for its honourable character. Many who lost their benefices had been regularly appointed, and with the observance of all legal forms, and considered their possessions permanent. Every prospect of future advantage was abandoned, and they relied upon a precarious charity. Their former conduct had united them to their parishioners, and the mutual feelings of good will had been cultivated by acts of reciprocal benefit. Discontent was created by their treatment, and

Character of
the ejected
clergy.

* "The body of the Puritans were never of the same mind on the subject of church government. Not a few were, without doubt, rigid Presbyterians; but many of them would gladly have submitted to a modified Episcopacy, such as that Archbishop Usher recommended. The divine right of classical Presbytery came to be contended for chiefly after the Scots army was brought into England, and when a uniformity of faith and worship in the three kingdoms began to be enforced."—*Orme's Life of Owen*, p. 29, quoting *Baxter's Own Life*, vol. i. p. 97, and *passim*.

Their per-
secution.

their popularity excited the animosity of the Court party, who were unprepared for the sacrifice that was made, and were displeased at the desertion of the new ministry. Under pretence of suppressing sedition, an Act against conventicles was passed. Imprisonment was inflicted upon all persons who should be present at any religious meeting, held in other manner than according to the practice of the Church of England, where more than five persons were present; and in case of a third offence, transportation for seven years followed on conviction before a single justice of the peace. The rigorous execution of this Act filled the jails with Non-conforming ministers and laity. An unwearied persecution was carried on, and the improper employment of violence was followed by its ordinary vexations. Another Act was passed (17 Car. II. cap. 2.) enacting that all persons in holy orders who had not expressed their assent and consent to the Book of Common Prayer, and subscribed the declaration contained in the 13 and 14 Car. II. cap. 4, and had not sworn that it was not lawful, upon any pretence whatsoever, to take arms against the King, and that they did abhor the traitorous position of taking arms by his authority against his person, or against those that were commissioned by him, and would not at any time endeavour any alteration of government in Church or State; and all persons who should take upon them to preach in any unlawful assembly, conventicle, or meeting, under colour or pretence of any exercise of religion;—should not, unless in passing upon the road, come or be within five miles of any city or town corporate or borough that sent burgesses to Parliament, or within five miles of any parish, town, or place wherein they had, since the Act of Oblivion, been parson, vicar, curate, stipendiary, or lecturer, or taken upon them to preach in any unlawful assembly, conventicle, or meeting, under colour or pretence of any exercise of religion contrary to law, until they had taken the said oath*.

* The far greater number of Nonconforming clergy refused to take the oath. "Even if they could have borne the solemn assertion of the principles of passive obedience, in all possible cases, their scrupulous

These oppressive laws against Dissent, in some measure practically set aside by temporary dispensations from the Crown, continued in force until the Revolution of 1688; after which the penalties affecting those who differed from the Church of England were greatly relaxed by the Toleration Act.

Revolution
of 1688.

Comprehension was, after as well as before the Toleration Act, considered as not only practicable but desirable, and another attempt was now made to effect it. The early Puritans, who afterwards bore the name of Presbyterians, had originally desired to be included within the pale of the Church. They approved of an Establishment. They wished only to purify it of vices which arose from the model upon which the Church of England was formed. Under the influence of the Scotch Presbyterians, they for a time extended their objections to the episcopal establishment, and strove for classes, synods, and assemblies. Of these we hear little or nothing on the Restoration; and the body of Presbyterians only sought admission within the Church by obtaining concessions of their original objections to the liturgy and some of the ceremonies of the Church*. A gradual but striking progress in moderation and liberality of sentiment also took place among them during the years intervening between the Restoration and the Toleration Act. It shows itself in those enlightened and liberal views which gradually formed the distinctive feature of the Presbyterian body of Nonconformists, as opposed to the doctrinal severity which now began and—notwithstanding their professed adherence to their original principles—subsequently characterized the Independent Dissenters.

Other attempts at
comprehension of the
Presbyterians.

On the accession of William the Dissenters presented Bill sup-
 “consciences revolted from a pledge to endeavour no kind of alteration
 “in Church and State; an engagement, in its extended sense, irreconcilable
 “with their own principles of religion and with the civil duties of
 “Englishmen. Yet to quit the towns where they had long been con-
 “nected, and where alone they had friends and disciples, was an exclu-
 “sion from the ordinary means of subsistence.”—*Hallam, Const. Hist.*
 vol. ii. p. 474.

* Hallam, vol. ii. p. 432.

ported by
Tillotson.

to him an address suggesting the widest basis for toleration or comprehension, and praying that "the rule of Christianity might be the rule of Conformity." In 1689 a Bill was introduced for the purpose of admitting Presbyterian ministers to the same privileges as those enjoyed by the more regularly ordained ministers, and to permit them to use or reject certain ceremonies. It was chiefly supported by Dr. Tillotson. The Commons, however, did not allow it to proceed through the house. They presented an address to the Crown, praying that a convocation might be advised with in ecclesiastical matters. The address was acceded to, and at the same time a Commission of divines was appointed to revise the liturgy. When the Convocation met, the lower house chose Dr. Jane, a determined opponent of the Presbyterians, prolocutor, and proposed as an amendment to the address to the Crown, "That, instead of Protestant religion, they would rather say Protestant churches; because, being the representatives of a formed established church, they do not think proper to mention the word religion, any further than it is the religion of some established church*." Opposed by these feelings, the design of comprehension failed, and the revised liturgy was never submitted to the Convocation†. "I was one of those," says Calamy, an eminent Presbyterian minister, "that was very well disposed towards falling in with the Establishment, could his (Dr. Tillotson's) scheme have taken effect."

Public at-
tempts at
comprehen-

No public attempt was subsequently made for this purpose, either by those connected with the Church, or by the

* A far better feeling has in later days been exhibited by prelates of the Established Church. "With respect to difference of opinion on religious subjects, the basis of religion is the Bible, and those are most orthodox Christians who adhere the most strictly to the doctrines laid down in that sacred volume. To explain it is the duty of all mankind, and its interpretation is confined to no particular sect. To use coercion in compelling uniformity, is not only impolitic, but, while man is constituted as man, it will be impracticable."—*Hansard's Debates*, May 21, 1811. Speech of the Archbishop of Canterbury.

† Hallam, vol. iii. p. 236. Parliamentary Hist. vol. v. pp. 212, 217.

Presbyterians themselves. Doctrinal differences arose, which would have made it necessary, in any such union, that the Church should have relaxed on other points besides those originally discussed *; and though in the first half of the 18th century there was a latitudinarian party in the Church, between whom and the Presbyterian ministers there was great community of feeling, encouraged by the influence of George the Second's queen, no sufficient prospect of success manifested itself in favour of any such enlarged scheme of church discipline and doctrine, as a comprehension of the Presbyterian body would then have implied.

sion not afterwards made.

To these proceedings and efforts towards comprehension, the Independents were not parties. Both in discipline and doctrine they were opposed to the Church; and, from the very principle of their church government, were never considered in any measure of comprehension.

The Independents no parties to the attempt.

Though relief to Nonconformists was afforded by the Toleration Act, its benefits were but meagre and contracted. The Act required those who derived any benefit from it, to subscribe thirty-five and part of the twentieth Articles of the Church of England. This restriction was offensive to the greater number of Dissenters, especially to those of the Presbyterian party. Baxter, who may be considered their leader, consented to subscribe, and did so, conditionally; but he gave his own interpretation of the Articles, and, in so doing, attached a sense to them which was no doubt at variance with their strict meaning; adding to his subscription, "If I have hit upon the true meaning, I subscribe my assent; and I thank my God that this National Church

Limited benefits of the Toleration Act.

* "The motives of Dissent were already somewhat changed, and came to turn less on the petty scruples of the elder Puritans *than on a dislike to all subscriptions of faith, and compulsory uniformity*. The Dissenting ministers, accustomed to independence, and finding not unfrequently in the contributions of their disciples a better maintenance than Court favour and private patronage have left for diligence and piety in the Establishment, do not seem to have much regretted the fate of this (Dr. Tillotson's) measure. None of their friends, in the most favourable times, have ever made an attempt to renew it."—*Hallam's Const. Hist.* vol. iii. p. 237.

hath doctrine so sound." The great body of Nonconformists did not subscribe. Mr. Fox, a student of the Dissenting ministry, relating an interview he had with Dr. Calamy*, states, "The chief good he did me was in making me easy about subscribing the Articles. He had been told of the objections and the difficulty I lay under; upon which he took the first opportunity, when I was alone with him, to tell me, that I need not trouble myself on that head, for if 'I could keep myself to myself', (that was his expression;) there was no occasion of subscribing them at all: none would ever suspect an omission in such a case as this, or think of examining about it. He said it was his own case; he had never taken them."

Evasions in
subscription.

Where subscription could not be avoided, it was no doubt often evasive. Since its necessity has passed away, the morality of such conduct has been severely censured. Evasion cannot be justified; but the expectations of the legislature were immoral. By offensive enactments, opinions were sought to be controlled, and expressions extorted, which must, if made, have been either false or evasive. If morals were corrupt, it arose from the corruption of the Government; and to it alone, censure must be confined. The practice of occasional conformity arose out of this vicious state of the law. Many certainly practised it in sincerity and upon principle. They communicated occasionally with the Church, to show their love of peace and charity, their desire for union, and their wish to avoid what was considered as "the sin of schism." But with others it was no doubt resorted to from worldly motives, and was excused on no better grounds than coercive subscription. High authorities in the Church did not scruple to encourage the practice. "So far," said Dr. Tennison, Archbishop of Canterbury, "from thinking it" (occasional conformity) "deserving of the title of vile hypocrisy, it is the duty of all moderate Dissenters, upon their own principles, to do it†." A principle of casuistry which Bishop Morley carried much

* Journey in the West of England.

† Calamy's Life, vol. ii. p. 26.

further, when he pressed Mr. Sprint, an ejected minister, "not to philosophize about the words assent or consent; and that if he would make the declaration prescribed in the Act of Uniformity, and then say he meant no more than that he would read the Common Prayer, he would admit him to a living*."

Under the protection of the Toleration Act many chapels were established, affording instruction to numerous congregations, styling themselves Presbyterians. They were, however, perfectly independent of each other, except perhaps in Lancashire, where a species of Presbyterian union was long maintained; and in a few other districts, where periodical meetings of ministers to a certain extent preserved union and cooperation. Their chapels and places of worship were for a considerable time supported by persons of wealth and note,—by those who had afforded shelter and relief to the proscribed ministry during the persecution carried on under the Acts of Uniformity.

Presbyteri-
an founda-
tions.

The decided formation by the Presbyterians of any general system of church government of their own, would have prevented all agreement with those whom they were anxious to conciliate. Even after their union with the Church was become almost impossible, there appears to have been great unwillingness to perpetuate, by ordination, a Dissenting ministry. Dr. Bates refused to ordain Calamy†, and at the same time spoke of his approval of Bishop Usher's scheme, of the justifiableness of a separation from the Established Church, of the necessity of having ministers ordained, and of the respect due to those who entered the ministry under the discouraging circumstances of the times. Mr. Howe, another Presbyterian minister, also objected; and, after several excuses, declined, professedly upon account of its publicity. When the hopelessness of all junction with the Church increased, those who acted as ministers were persons whose education had been carried on in private seminaries or at foreign universities. The old Non-

No scheme
of church
government
formed.

* Calamy's Account, 341.

† Calamy's Life, vol. i. p. 747.

conforming ministers, who had nearly all been educated in the English universities, in the course of time passed away, and their successors, dissenting totally from the Church, felt little sympathy towards it, though always, even to the present day, entertaining feelings on the subject necessarily less opposed to an Establishment than those by which the Independents were actuated. The two great bodies of Dissenters, thus situated, for a short period endeavoured to form with the Baptists one general Nonconformist body.

Doctrinal
opinions of
the Presby-
terians.

The distinguishing doctrinal opinion of the English Presbyterians at, and for some time after, the Revolution, seems to have been a modified Arminianism, frequently called Baxterianism, occupying a middle station between strict Calvinism and Arminianism. It admitted that Christ died for some especially, and for all generally—all possessing the means of salvation*. Between Baxterians and Calvinists the principal Nonconformists may be considered to have been divided.

Increased
Liberality.

The profession of the milder doctrine led to doctrinal relaxation, and it was accompanied by the widest liberality towards every other sect. This feeling and its consequences ultimately established the great practical distinction between the Presbyterians and the Independents,—the rejection generally by the former of creeds and subscriptions, and the practice of admitting communicants to the Lord's Table, without any of those inquiries, examinations and confessions on which others insisted. The Presbyterians opposed all interference with the liberty of conscience, every inquisitorial process, and all compilations of creeds. It was during the prevalence of these tolerant principles, and before any very decided manifestations of a disposition towards greater advances in doctrinal relaxation, that the

- * "Some have I chosen of peculiar grace,
"Elect above the rest; so is my will.
"The rest shall hear me call and oft be warned
"Their sinful state, and to appease betimes
"The incensed Deity, while offer'd grace
"Invites;"

Paradise Lost, Book III.

greater number of their chapels were founded. The first steps undoubtedly were the determined resistance of all impositions on doctrinal subjects, and the studious recourse to Scriptural expressions, in place of dogmatic expositions.

During the time that the Nonconformists acted together the fund or association now called "The Presbyterian Fund" was formed. The present name was a subsequent adoption. At first the society was a general union of Nonconformists, for the support of their ministers. This co-operation lasted about three years only. The Independents then withdrew, and laid the foundation of the existing distinct body, called the Independent or Congregational Board. It has always been a fundamental principle of the Presbyterian Fund not to require any confession or explanation of faith as a qualification for relief. The Congregational Board, by its standing orders, requires satisfaction to be given that the person applying is sound in the faith on the doctrine of the Trinity and on other matters of belief.

Joint operations of the Dissenting body. Presbyterian Fund.

Separation.

A joint lecture at Pinners' Hall was, whilst the union lasted, established. Some differences occurring, a permanent removal of them was attempted. "Heads of Agreement" were in 1691 apparently assented to as the means of peace between the contending parties; "but their doctrinal differences remained, and were warmly agitated, both in the pulpits and in conversation*." The contest between the leading bodies every year increased. Several papers were drawn up with a view to effect an accommodation, which only occasioned fresh debates. "One party suspected their brethren of verging towards Arminianism, or even Socinianism; and the other were very tender of any thing that might be capable of giving encouragement to Antinomianism†."

Pinners' Hall Lecture.

* Calamy's Life, (Second Edition,) vol. i. pp. 323, 337.

† The Antinomians were never a numerous body. In 1643, the Assembly of Divines condemned several writings which appeared to them Antinomian; and the Parliament of 1648 enacted, that any one convicted of maintaining that the moral law of the Ten Commandments is no rule for Christians, or that a believer need not repent or pray for pardon of sin,

A posthumous publication of some sermons by Dr. Crisp, under the title of "Christ alone Exalted," with the names of several ministers affixed, testifying its genuineness, gave rise to these contests.

Dr. Daniel
Williams.

Dr. Williams, an eminent Presbyterian minister, the founder of the Library in Red Cross Street, London, and of the Charities connected with it, was the subject of violent attack. The Independents made several charges, not confined to heresy, but extending to the impeachment of his personal character. These attacks, after inquiry, so far from injuring him, turned out much to his credit. His name, however, was left out in the Pinners' Hall Lecture, and another Lecture was in consequence established. These disputes widened the distinctions between the two parties, and the more violent became strict in their inquiries respecting the doctrines of their members; while the more tolerant Presbyterians adhered to the principle of comprehensive and open communion.

Occasion of
Salters' Hall
Meeting.

It was obvious to what the result of the more latitudinarian proceedings of the Presbyterians would lead; that as freedom of opinion was avowed and encouraged, its consequences would be developed in diversities of result on the great topics of doctrinal controversy. Even heresy on the doctrine of the Trinity was prevalent, and in some instances had been openly avowed. Emlyn had been prosecuted in Ireland in 1702 for asserting Arian opinions, and the greater part, if not the whole, of his Dissenting brethren there seem to have taken part against him. In

should publicly retract, or be imprisoned until he should find sureties that he would no more maintain the same. In the *Pansebeia*, &c., by Alexander Ross, 1683, "The Antinomians are said to be so called from their rejecting the Law, which, they say, is of no use at all under the Gospel, neither in regard to direction or correction, and therefore ought not to be read or taught in the Church. They say, good works do neither further, nor evil works hinder, salvation; that the child of God could no more sin than Christ could, and therefore that it is sin in him to ask pardon for sin." Under this scheme repentance was unnecessary. It was an Antinomian controversy which separated the Independents and Presbyterians at the beginning of the 17th century. See Calamy's Life, (Second Edition,) vol. i. pp. 351, 375.

his account of the proceedings, published before the question was brought to issue in England, in 1719, he states with dissatisfaction the existence of any difference of opinion upon it in England, where he appears to have expected a general and decided acknowledgement of the broad principle of Protestant Dissent. He contends for the necessary extension of that principle to the doctrine of the Trinity, and observes on the inconsistency of many of the English Dissenters, between the time of his prosecution and the time at which he wrote (1719); now avowing in addresses and in their writings sentiments which went the whole length for which he contended, and at another time endeavouring to stop short at the free discussion of particular doctrines. "So that," he observes of the Dissenting body, "they go backward and forward as occasion requires; or else we must say,—which is the true state of things sometimes, and perhaps now,—that *they have two sorts of men*; the one for liberty and forbearance, and when that is most useful to them and acceptable to others, *these men appear*, and it goes for the voice and declaration of the Dissenters in general; but when they have any particular provocation, though only from the liberty some of their brethren take of dissenting from them, then the *other, narrow-spirited part*, cry down liberty, and raise a hatred and persecution, if they can, of such Dissenters*." Passing over a little perversity and want of candour in this mode of describing the state of feeling among the Dissenters, Emlyn's testimony fully shows that they were alive to all the bearings of the question, though it is manifest in how balancing a state it had, since the end of the previous century, rested between the two predominant parties in the general body of ministers, who then met, as they do now, in one common assembly. The numbers on each side were so nearly the same, that it was extremely natural that discordant decisions should occasionally be made. At length, however, the point came fairly to issue, and the question was broadly and openly stated; Was the liberty of

* Emlyn, Appendix to the Narrative, &c., p. 60.

inquiry to be limited? was there any point at which discipline should interfere to restrain it? To determine this great question, to bring the Nonconformist body to the test, on the extent to which they would practically carry the principle of religious liberty, the ministers holding conflicting opinions, who had seen all that had passed around them, and must have marked the existing state of things, as the result of the system which the Presbyterians had generally supported since the close of the previous century, met at Salters' Hall in the year 1719.

Mr. Peirce's
case.

Decision at
Salters'
Hall.

Antitrinitarian writings were then very numerous; perhaps at no period was the Unitarian controversy so actively carried on in England, as between 1690 and 1720. The excitement respecting the controverted doctrine was general both among Churchmen and Dissenters; but the case which raised the greatest interest among the Presbyterians was that of Mr. Peirce of Exeter, who questioned the doctrine of the Trinity. References were made to the ministers in London, who, at the meeting held at Salters' Hall, engaged in the full consideration of the affair. There were many who were for placing limits to the range of inquiry, by imposing subscription on certain points deemed essentials of religion. But the chief question debated was, Whether those who presented themselves for ordination should subscribe their belief in the doctrine of the Trinity? The majority, composed mainly of Presbyterians, decided against any subscription. They had separated from the Establishment for conscience sake: for conscience, their ancestors and some of themselves had set the law and government at defiance; and should they surrender this liberty, which they had so dearly purchased, to men who were only their associates in toil and suffering? The majority was seventy-three in number, the minority being sixty-nine. There can be no doubt that many, if not all, of the majority sincerely believed in the doctrine questioned. Those who doubted upon the subject refused to sacrifice the power of inquiry; and those who received the doctrine presumed not to strengthen the force of that testimony which they re-

garded as sufficient. They left the truth to its Scriptural evidence, content that by that test it should be tried.*

This controversy was far from being confined to the Dissenters, or from being newly excited. Maresius, in his "*Hydra Socinianismi*," had, about the middle of the 17th century, complained of the general prevalence of Arian sentiments in England. In 1690, Dr. Bury, Rector of Exeter College, Oxford, published a work, entitled "*The Naked Truth*," which was condemned by a convocation of the University to be burnt for its Antitrinitarian doctrines, and he himself was deprived of his office by the Visitor of his College. He had many partisans, and the latitudinarian divines of Holland declared in his favour. Dr. Sherlock was attacked in 1693, and was accused by South of holding tritheistic opinions. Their controversy was silenced by the direct interference of the Crown. The writings of Whiston followed, and the persecution of him excited pity: he was ruined by his theological attainments.

Antitrinitarian discussions in the Church.

* "You cannot be ignorant that we never professed a religious adherence to Calvin, or any other uninspired writer whatever. You know in the whole progress of the controversy which has lain between you and us, we have always declared that *we acknowledge no other rule but the Holy Scriptures*; and, let who will vouch for a thing, their authority, without reason or Scripture, is of no consequence in order to decide any controversy in religion. We are not, indeed, displeased when we can produce the judgement of eminent and extraordinary persons as concurring with our own. Every one is glad when, by such a method, he can clear himself from all suspicion of an affected singularity; and particularly Calvin's eminent services in the Church of God will always render his name precious to us. We cannot but value him for the truth which God used him as a means of bringing to light; but will that warrant our taking things upon trust from him without examination? No, surely. We esteem him as an excellent person, but yet a fallible one; and never pretend to undertake the defence of anything merely because he said or did it. We follow him as far as we perceive he followed Christ, and we leave him where we think he left that great pattern."—(*The Dissenters' Reasons for not writing on behalf of Persecution. A Letter to Dr. Snape, by James Peirce. London, 1718. p. 29.*) "Certainly men have been too much led by an implicit faith among all parties of Christians; and 't is high time now to discard all uncertain and fallible authorities, and to depend upon plain

His friend Emlyn had previously been persecuted for similar publications. Dr. Clarke, in 1712, published his "Scripture Doctrine of the Trinity," which was brought under the notice of Convocation. His submission was equivocal, but was prudently accepted. The works published upon the subject by Churchmen were numerous, and public attention was called to the prevalent disputes in the strongest possible manner. None could be ignorant of what was passing. Dr. Bury held a high and prominent place in the chief English University, and his deprivation engaged the notice of foreign divines. Before the beginning of the 18th century the currency of Arian sentiments in England was universally known. The writings of Clarke were brought before the highest ecclesiastical tribunal, and attracted general attention. The notice of the legislature was directed to the disputed doctrines in 1698, and again, on a Bill brought into the House of Lords, in 1719, by Lord Willoughby de Broke, Dean of Lincoln, to extend

"reason and Scripture. I am glad when I see that mean and servile temper gives way to a more noble and generous way of thinking, and men seek to govern their faith and practice not by the great names of men, churches, convocations, or assemblies, but by the only rule—THE WORD OF GOD. *This is what we have always professed.*"—(*Ibid.* p. 29.) "I now refer to what we declared in our last Address to the King. Give me leave to refresh your memory by setting down the words I refer to in that *Address of the Dissenters*. 'Our principles are, as we hope, the most friendly to mankind, amounting to no more than those of a general toleration to all peaceable subjects, universal love and charity for all Christians, and to act always, in matters of religion, as God shall give us light in his will about them.'"—(*Ibid.* pp. 32, 33.)

"But any such power as this is disclaimed and abhorred by the Dissenters. They pretend not to impose upon the belief or practice of any; they are against any other compulsion but that of reason and argument; they pretend not to extend their discipline to any but those of their own communion; they think they have no warrant for any proceedings with those of their own communion besides brotherly admonitions, and rejecting them from their communion in case of their denying the fundamental doctrines of Christianity; such as, that Jesus is the Christ, the Son of God, the Resurrection, &c.; or in case of plain immorality and wickedness."—(*Reflections upon Dean Sherlock's Vindication of the Corporation and Test Acts: By James Peirce.* London, 1718.)

the penalties of an Act passed in 1698. The question debated at Salters' Hall was on the extension of the principle of free inquiry to a prevalent doctrine. The press for thirty years previously had teemed with publications respecting it, and the determination that was made did not relate to a subject suddenly urged, or then for the first time considered.

About and soon after this time a great declension was taking place among all Dissenting congregations. Tillotson, and other prelates, by their liberal conduct, softened the asperity of the opposition to the Church. The old Nonconforming clergy rapidly diminished by death, and their congregations dispersed. The ejected ministers had from personal attachment been followed in their secession by numerous families, who were not decidedly opposed to the Establishment, and, being averse to perpetuating schism, returned to the Church when all hope of comprehension or reform was passed, and when the Church itself had become more liberal.

Decline
of the Dis-
senting Con-
gregations.

In the outset the Nonconformists numbered in their ranks the heads of many noble and distinguished families, whom various attractions drew, in the succeeding generation, back to the Establishment. The exclusion from office on account of the Test Acts, moreover, gave temporal advantages to conformity not disregarded; while the tolerance of the law destroyed many of the merits of religious opposition. At the end of the reign of Queen Anne, Lord Somers, five of the bishops, and many lay lords, protested against the Schism Act, urging the advantages of moderation. They stated, that since the Act of Toleration, greater numbers had been brought over to the Church than for many years previously, so that, at that time, few persons of consideration were in connexion with the Dissenters. On the Presbyterians chiefly the weight of these secessions fell; and their relaxations on doctrinal matters subsequently also caused secessions to the more severe sects. The rural congregations of the Presbyterians more particularly suffered;

Nobility, &c.
among the
early Non-
conformists.

while in the larger towns and cities they have generally maintained large and highly respectable congregations.

Succession
of Presbyter-
ian Con-
gregations.

The Presbyterians, in common with the Independents and the Baptists, though to a greater extent, materially changed many of the features of their body. The present identity of any of them chiefly consists in their congregational succession. Of most of the old Presbyterian chapels the series of ministers has continued unbroken. There has been no suspension of divine service and no transfer of property to other sects. As vacancies occurred among the trustees, their places have been supplied in the ordinary manner, without departing from the observance of those forms which are essential to such appointments. In the elections of ministers the same regularity has been observed. The present trustees are frequently descendants and relatives of their predecessors, following them in a regular order of appointment. The ministers, too, of the congregations can, many of them, prove their descent from the ancient Presbyterian ministers, and have followed also in a regular course of election. So that two characteristics of identity of the Presbyterian body exist; and another is exhibited in tracing, in the registers of the chapels, the names of the most eminent Presbyterian families among the members of the existing congregations. In all the great northern towns this has been peculiarly the case. The succession of ministers and trustees has been constant, and without interruption; the services of the chapels have not been suspended; the congregations and the trustees have rarely been in collision; the ministers appointed have been bred up at the Presbyterian academies; and the representation of each class has the completeness of hereditary descent as well as of corporate succession.

Progress of
Presbyter-
ian doctri-
nal opi-
nions.

Meantime a continued change in the doctrinal opinions of the Presbyterians was always going on. While the Independents adhered firmly to Calvinism, the Presbyterians, far from binding themselves down to any inflexible creed, pursued their theological investigations, in the full spirit of

that liberty of inquiry which they upheld as an active principle. Many of their most eminent ministers early entertained Arian sentiments. Peirce, whose case has been mentioned, was not singular in his views. Dr. Benson, a most able writer, first appointed to a charge through the interest of Calamy, and afterwards, in 1729, a preacher in Southwark, also controverted the Church doctrine of the Trinity. He enjoyed the friendship of Bishops Butler, Hoadly, and Conybeare, though his Antitrinitarian sentiments were well known. Dr. Lardner preached as early as 1723; and the merits of his labours, the theological student, whether in the Church or dissenting from it, willingly admits. He, too, was an Antitrinitarian. Of such men as Dr. Lardner or Dr. John Taylor (whose first published writing dates as far back as 1724,) we need hardly say, that it little affects their memories, or impeaches the value of the testimony which even the dignitaries of the Church and divines of all classes have been eager to bear in their favour, that their title to the name of Christians is disputed by learned advocates, paid and instructed by brother Dissenters, on whose name and cause they shed the brightest lustre. Chandler flourished at the same time. Towgood, Fleming, Cappe, Kippis, Price, Enfield and Rees have only followed in the same course. The extension of Lady Hewley's bounty to Mr. Cappe after his appointment at York has been made the ground of the first charge against her trustees, as a gross violation of her presumed intent. And yet this is exactly a case which powerfully illustrates the progress of change in the Presbyterian congregations; for Lady Hewley was a hearer of Mr. Hotham, and specially recommended his chapel for her trustees' bounty; and this very Mr. Hotham, who is associated with her in her supposed orthodoxy, so instructed his congregation, that they chose Mr. Cappe, an Arian, as his immediate successor; that successor being himself the son and pupil of a well-known Presbyterian minister in the neighbourhood.

The body to which these and other distinguished men of the last century belonged required no confession of faith, and

General
principles of
these Pres-
byterians.

maintained none as the symbol of congregational union. As a religious denomination they professed no restricted creed ; and to seek for any in their endowments, in order to discover the intent of the founders, is an utter misunderstanding of their characteristic views and principles. That they knew and saw the consequences of the liberty they asked for themselves and permitted to others, is manifest ; and, therefore, what they did and omitted to do was advised and predetermined. Perfectly free to inquire, they resorted to every source of instruction, diligently and calmly pursuing their researches. Their learning and the piety of their lives commended their opinions to their congregations, who received them with the reliance their own strength created, and with that assurance of their correctness which a personal knowledge of their teachers encouraged. Varying from the doctrines their predecessors professed, they simply acted upon the principle on which those under whom they were brought up invariably insisted ; and they did not hesitate to change the doctrines of their belief, as evidence requiring it arose.

Doctrinal
changes.

At, and for some time after, the Revolution, the Presbyterians generally adopted the modified doctrine called Baxterianism. An aversion to dogmatic symbols, a preference for Scriptural expressions, and an avoidance of discussions and of preaching on doctrinal points next appear. Early in the eighteenth century, however, Arian sentiments notoriously appeared among them. The majority of the Presbyterian ministers refused to check the change. From Arianism the step to proper Unitarianism was not distant. Yet, to point out the exact time when any of the old doctrines were neglected and Arian doctrines cultivated, when Arianism decayed and Unitarianism became common, is not possible. The changes have been gradual. In many congregations there were, at the same period, those who professed Trinitarian, Arian, and Unitarian sentiments. Their intercourse and connexion continued ; they did not forget their common origin, and no offence was occasioned by disagreements respecting controverted questions. They had seen and en-

deavoured to avoid the evil consequences to society, the little aid to truth, arising out of an angry intolerant spirit of dictation. To check an evil so opposed to religious feelings, that course was adopted which, tolerating the opinions of all, bound none to obedience to any, but left each man to pursue his own inquiries, and to adhere to those doctrines which he could conscientiously approve. By promoting these ends, unanimity upon what they held to be the greater points of religion appeared to them most likely to become general. To make Christianity comprehensive in its design, to open its benefits to all, was the distinguishing principle of their conduct; strongly contrasting with the narrow character and hopelessness of the doctrine of Election.

A similar course of events has occurred in the Presbyterian Churches of Geneva, and in some of those of Ireland. The history of the former, and their adoption of Unitarian opinions, are well known. A refusal to subscribe to the doctrine of the Trinity led, in Ireland, to the establishment of the Presbytery of Antrim, and the Remonstrant Synod of Ulster*. The causes of their separation from the other body of Presbyterians arose contemporaneously with those which created the discussion in Salters' Hall †. In Ireland no change has been made in discipline. The Remonstrant Synod of Ulster is chiefly composed of those called Unitarians; yet the title of Presbyterian, and the ordinary Presbyterian discipline is preserved by it. By Government it has been admitted to all the privileges of the other Presbyterians, and allowed to have a separate page of account in the books of the Treasury; and, within a few years, it has been erected into an independent ecclesiastical body. The Presbyterian name has not been employed from a desire to

Geneva.
Ireland.

* Mr. Haliday, a Presbyterian minister, who successfully resisted an attempt in the Synod of Ulster to impose upon him subscription to the Westminster Confession, states in an able pamphlet, in 1724, against subscription, that he was licensed in Holland in 1706, and ordained at Geneva in 1708; "*at which place,*" says he, "*I chose to be ordained because the terms of church communion there are not narrowed by any human impositions.*" Till the Presbyterians obtained liberty at home, it is probable Mr. Haliday's case was not singular.

† Calamy's Life, vol. ii.

veil what is called non-orthodoxy, but from its being as perfectly designative of the new body as of that from which it separated.

Modern Independents.

The majority of the Independents who now generally claim to be the representatives of the ancient class of that name, have little title to be so considered. Many, in consequence of the exciting preaching of Whitfield, Wesley, and their followers, left the Church and those congregations of Old Dissenters whose opinions had become moderate, preferring what they regarded as the awakening influence of the new doctrines to the more calm and sober reasoning of their own teachers. These formed the great body of the Methodists, either in the Arminian section under Wesley, or in the Calvinistic under Whitfield. Other congregations at the same time and since arose, not connected with the other two bodies, but who put themselves under the guidance of ministers chosen by themselves. The property of all these associations was conveyed to trustees, and the constitution of each was distinctly defined in the trust deeds. Thus congregational in their form, they assumed the title of Independents, though having no connexion with the successors of those who bore the same denomination in the time of the Commonwealth. They, however, form a numerous and powerful body, extending now over the whole country. To what extent their principles are liberal and their toleration genuine, not their civil, but their ecclesiastical, history will exhibit.

Continued differences between the Presbyterian and Independent bodies.

Every stage of the history of the English Presbyterians marks a distinguishing difference between them and the Independents. Yet in the late case before the Court of Chancery regarding Lady Hewley's Charity, it was contended, that though Lady Hewley was a Presbyterian,—one of the body arising out of the Act of Uniformity, and surrounded by the ministry of that class who had long been separated from the Independents,—still the modern Independents, in truth, represented the Presbyterian body. An Independent minister, whose personal and theological character all agree to estimate as of unquestioned worth and excellence, somewhat rashly went out of his way, to swear to the following hypothesis :

"That, in his fullest conviction and belief, the term
 " 'Presbyterian' is, in no fair sense, applicable to the de-
 " nomination of English Dissenters usually designated by it;
 " but that it is, in a fair, just, and honourable sense, and in
 " accordance with its proper signification, capable of being
 " applied to the generality of English Congregationalists.
 " First, because of the exercise of discretion by the ministers
 " and other officers, explicitly or implicitly, in the name
 " and on the behalf of the church, that is, the body of com-
 " municants, in admitting to, and excluding from, the sa-
 " crament of the Lord's Supper, while such discretionary
 " right is universally disowned by Unitarian ministers and
 " congregations, among whom unrestrained access to the
 " communion of the Lord's Supper is allowed to any persons
 " whatsoever. Secondly, because the right and authority to
 " ordain individuals to be the ministers or pastors of churches
 " (that is, voluntary societies, or societies who are adjudged
 " as members or communicants qualified to be partakers of
 " the sacrament of the Lord's Supper,) belongs to the pas-
 " tors or elders (presbyters); that the Unitarian ministers
 " and congregations, notwithstanding that on some occa-
 " sions they take the style of Presbyterians, do universally
 " disown and reject every such exercise of authority or right,
 " or any proper ordination by presbyters of individuals to
 " the pastoral office. Hence examinant *infers* that Lady
 " Hewley would have regarded the English Congregation-
 " alists of the present time as the *very* class of persons for
 " whom she intended her beneficent foundation; and that, if
 " it could have entered her mind as a thing to be imagined,
 " that any class of persons, whose system of religious doc-
 " trine resembled that of the Unitarians, would at any time
 " appropriate any part of her bounties to themselves, or to
 " others of the same religious belief, she would have shrunk
 " from the idea with the greatest repugnance, and would
 " have employed all the precautions that legal muniments
 " could afford, to prevent any such appropriations."

Opinion gi-
 ven in Lady
 Hewley's
 Case by an
 Independ-
 ent.

Though we thus in some measure anticipate the obser-
 vations which will arise on Lady Hewley's case, it may
 be as well at once to compare this statement with actual

Observa-
 tions on this
 opinion.

facts. It wholly overlooks what we consider the prominent distinction which separated the two bodies. The Independents adhere ostensibly to similar views as to discipline, and the propriety of subscriptions and confessions, now as in Lady Hewley's day, and are therefore, on *their* part, no nearer now to the early Presbyterian standard than formerly. It will be well also to note a strange conclusion which the above statement contains. 'Presbyterian,' it is said, as a term, is *now* "*capable* of being applied to 'Congregationalists,'" on account of the neglect of strict church discipline by the former, and its maintenance in their peculiar form by the latter:—*hence* Lady Hewley would have regarded the English Congregationalists as the very class of persons for whom she intended her bounty, and would have objected to the *doctrine* of the Unitarians; for it is not pretended by the witness, that if the Presbyterians had adhered to their early doctrines *they* would not have been the proper parties to benefit by the charity. Now doctrine and discipline are two very distinct matters; and to infer doctrine from discipline seems evidence of strange confusion of thought. What, however, was the existing state of Presbyterian discipline in Lady Hewley's time? and how far was any part essential,—or, at any rate, essential in a Presbyterian point of view? It was *congregational*; each church (a term very accurately defined by the witness,) being, in the etymological sense of the word, 'independent.' But, then, that very principle of independence allowed change both of discipline and of doctrine. If exclusion from the Lord's Table ever was a distinguishing characteristic of one body of Dissenters rather than another, it certainly was not of the English Presbyterians. The question is one merely of discipline, always admitted to belong to every church, and subject to every possible alteration, without interfering with questions of doctrine. The Presbyterians, when the schemes for comprehension were pending, were first ready to accede to Archbishop Usher's model, and subsequently to the design of Dr. Tillotson; yet both these schemes strongly differed from the church government then existing among themselves. Can it be said, then, that a variation of discipline in such a

body,—which showed so little regard for it, that, though calling themselves, from the Act of Uniformity, Presbyterians, they had scarcely one of the old peculiar Presbyterian forms among them,—is now to be the ground of incapacity; that in such petty details you are to look for the distinguishing characteristics of the body; that in the strictness of exclusion or the laxity of admission to the Sacrament, we are to find distinctive features to determine who were or who were not the persons calling themselves Presbyterians? The name by which they called themselves, and in which they founded their endowments, had a secondary sense then, as it now has, when compared with the original term Presbyterian; and it is idle to seek, in the forms or modes of any æra, the characteristics of a body which, whatever was its name, admitted, in principle and practice, freedom of thought and action. Those who, in 1719, declared against all subscription, acted on no new principle. They practically pursued the principle of their association; and their acts then are as much evidence of the governing opinions among their body for twenty years before, as they are of the opinions held at that day. Looking at the circumstances under which the Presbyterian churches were established, it is impossible, from so vague a system, to infer a general rule. Even supposing it possible to do so, still such rules would be subject to such changes as congregations might approve. If it appeared to them to be plainly expedient, and consistent with Scripture doctrine and their religious principles, to adopt open communion, can it be said that those whose principles undoubtedly admitted of a variation even of the doctrines they professed,—who did not attempt permanently to define them,—are to be censured for an alteration of discipline, assuming such alteration to have been made; or that these men meant to impose upon their successors uniformity in such matters?

It would be equally unimportant, as proof for or against the identity of sects entertaining the opinions of the Presbyterians, to show that ordination by presbyters is or is not now practised. The author of the above deposition has

Presbyterian
Ordinations.

brought the objection forward, and denied altogether the existence of the practice. The Presbyterian ministers ordained in the northern counties, even so late as the beginning of this century, received imposition of hands. In the Presbyterian academies it is still the practice, when a student has completed his course of academical instruction, and proposes to join the ministry, to receive from an elder minister a serious and solemn exhortation on the course he has undertaken to pursue. And a ceremony equivalent in many respects to ordination, but now more often called *settling*, is still frequent. Three recent published instances of such ceremonies, in three prominent Presbyterian stations, are now before us. The proceedings on the settlement of Mr. Tagart at Norwich form one of these. Mr. Tagart was called to the ministry of the Octagon Chapel at Norwich; and was admitted, after a preliminary prayer by a minister, a charge by an elder of the congregation, a charge from a second minister, and the delivery of a sermon. The value the Presbyterians attach to the ceremony may not be great; and it has always been of less importance to them than to the Independents, because the former do not, like the latter, make it a contract, a declaration by the minister of his faith, a pledge as to the doctrines he is chosen to preach. To produce serious impressions, and fix upon the minds of those engaged strong feelings of reciprocal duties, is the chief object; and, at an earlier period, it was scarcely more. The practice, at any rate, can only be said to have partially fallen into disuse. Numerous are the Presbyterian ministers who have received their calls accompanied with these forms; and they, at least, are representatives of their predecessors, if these forms are essential to make them so. The error of congregations, if the hypothesis sworn to—that formal characteristics are essentials—is correct, lies in choosing ministers who have not been admitted to their charges with certain solemnities—not in doctrinal deviation. Again, it is asserted, that by this laxity of discipline among the Presbyterians, the Independents or Congregationalists of the present time have become the very class

of persons" Lady Hewley intended to have benefited. Who are these Congregationalists? Admitting some of those now so called to be the representatives of the ancient class of that name, were those whom they represent exclusively contemplated by Lady Hewley? Were they contemplated by her? In her neighbourhood there were few or none. In her lifetime they were opposed to the Presbyterians; and this not simply in discipline, but also in doctrine. Calvinists the Presbyterians were not; and, because they were not so, they were attacked by the Independents, and censured from the pulpit of Pinners' Hall. Identity between the two bodies there was none; and their distinction was then, as now, chiefly doctrinal. If the Presbyterians were strict Calvinists, how came Predestination to be a subject of contention? Was discipline the sole objection to both being included in the schemes of comprehension? Was the objection of a more serious nature? and if so, have the modern Congregationalists removed it? To make out their identity, the Independents must have renounced their Calvinistic tenets, and have become at least Baxterians. They will hardly avow this; because if they do, they must, on their own showing, give up some of their peculiar endowments. But until they do make out such identity, the degeneracy of the modern Presbyterians from the supposed standard of Lady Hewley cannot bring the Independents one atom nearer to it. They must have become, in their own view, lax and degenerated indeed, before they can be the "very class" with whom Lady Hewley was connected. It is clear that if the two parties differed on doctrinal questions, one being strict and rigid Calvinists, and the other moderate Arminians, then the present Presbyterians must have become Calvinists, or the Independents Baxterians, in order to be identical with each other. Yet those who are driven to admit either of these conclusions,—one of which is, as a fact, false,—are contending that the successors of the ancient Presbyterians are not at liberty to vary from the doctrines of those who preceded them; and yet set up a title to Presbyterian foundations,

answer
Lady Hew-
ley's views.

which is without a shadow of support, unless the same error has been committed, with which their opponents are charged, namely, doctrinal deviations and degeneracy. If their identity with the old Independents is complete, they can have no claim to the Presbyterians' foundations; if it is not complete, then the same objection urged by them as fatal to the title of modern Presbyterians, must be fatal to their own.

Representa-
tion of the
Presbyteri-
ans recogni-
sed by other
Dissenters.

The continued succession of the Presbyterian body, and the congregations forming it, has, practically speaking, been known, whatever be the etymological propriety of their name, or whatever the fluctuation of their doctrine; and by none has it been more constantly, from year to year, recognised than by the other bodies of Dissenters, comprising those who would now doubt, not only the identity of their Presbyterian brethren, but their own; and would induce us to believe that they are the true Presbyterians, whose name has been so long assumed by successive personations.

In the De-
puties.

From the earliest times to the present, the Presbyterian congregations, under all their fluctuations,—and having, for the most part, been avowedly either Arian or Unitarian ever since Deputies were chosen,—have sent their lay representatives, who have been received as the Presbyterian denomination in the body of Deputies of Dissenters of the three denominations.

Body of
Ministers.

In the United Body of London Ministers a similar representation of the clerical body has taken place; and we have not heard that, on any occasion, has an Independent fancied himself to be a real representative of the other body, or reminded his *soi-disant* Presbyterian brother of his mistake, in assuming a title not properly belonging to him, on account of variations in practice as to ordination or reception in communion.

In Court of
Chancery.

In 1765, we find the Three Denominations in the Court of Chancery*, participating in a representation to the Court, as to the constituent portions of the Dissenting body; and assigning the Presbyterian portion to the persons then

* See "Waller v. Childs," M. 1765, Ambler, 524.

claiming that title, and whose descendants now claim it. Yet heresy was then nearly as rife among them as now. An equal division being then made of the fund, each party must be held to have fully declared and recognised the other's title.

For public purposes, from the Revolution down to this moment, the same mutually acknowledged distinction and identification have been avowed and admitted. The Independents have never warned His Majesty that a deception was practised upon the dignity of his throne; that those who approached it as Presbyterians, had no title so to do, in as much as they—the Independents—themselves represented, according to the new theory, both their own ostensible denomination and that assumed by their Presbyterian companions. At Court.

In the distribution of the "Regium Donum," and subsequently of the "Parliamentary Grant," the like mutual representation to the Government, of the constituent portions of the Dissenting body, and of the persons who properly represent those portions, is to be traced from the first occasion of such a proceeding down to the present day. Parliamentary Grant.

From the separation in the seventeenth century, the Independent or "Congregational Board" has had its distinct meetings; and the society from which they severed has retained the title of the "Presbyterian Fund." To this latter the successive occupants of the Presbyterian congregations have contributed in regular and undisturbed order of succession. Public Boards.

Having noticed the changes which from time to time occurred in the Presbyterian body, it may be interesting further to record the opinions of some of their leading ministers who lived at the end of the seventeenth and the first half of the eighteenth century. It will be apparent, that human symbols of belief and confessions of faith were constantly objected to by them; that their principles were latitudinarian; that they censured the imposition of creeds, and at all times admitted the right of every individual, in the exercise of Recorded opinions of leading Presbyterian Ministers.

the great principle of religious liberty, to put his own interpretation upon the language of Scripture.

Richard
Baxter.

The first of these is Baxter, one of the ablest and most celebrated of the Presbyterian ministers, whose public life dates from about 1640 to 1690.

“To prescribe a form of prayer or preaching, or other service, where there is no necessity for it, and to lay a necessity on it, as the thing itself, or, the churches’ peace, and to punish, silence, and suspend, excommunicate or reproach as schismatics, the able, godly, peaceable ministers or people, that (justly or unjustly) cannot use it, is so great a sin, that no godly ministers should desire or attempt it, nor any godly minister suffer it*.”

“Two things have set the Church on fire, and been the plague of it for a thousand years : first, enlarging our creed, and making more fundamentals than God ever made; and, secondly, composing, and so imposing, our creeds and confessions in our own words and phrases. When men have learnt more manners and more humility than to accuse God’s language as too general and obscure, (as if they could mend it,) and have more dread of God and compassion on themselves to make those to be fundamentals or certainties which God never made so; and when they reduce their confessions, first, to their due extent, and, secondly, *to Scripture phrase*, (that Dissenters may not scruple subscribing,) then, I think, and never till then, shall the Church have peace about doctrinals. It seems to me no heinous Socinian notion that Chillingworth is blamed for, viz. ‘*Let all men believe the Scripture, and that only, and endeavour to believe in it in the true sense, (and promise this,) and require no more of others, and they shall find this not only a better, but the only means to suppress heresy and restore unity†.*’”

“It is the commendation of God’s law, as fit to be the means of unity, that all are so easily agreed to it, in terms, and therefore would agree in the *sense*, if they under-

* Baxter’s Disputation on a Stinted Liturgy, p. 373.

† Baxter’s Saints’ Everlasting Rest, 1650. Preface of Part II.

“ stood it. But they will not do so by the laws of men.
 “ All or many heretics in the primitive times would profess
 “ assent to the Church’s creed, no doubt, in a corrupt and
 “ private sense; but the Church did not, therefore, make
 “ new creeds, until, above 300 years after Christ, they began
 “ to put in some particular words to obviate heresies which
 “ Hilary complained of as the cause of all their divisions.
 “ And what if heretics will subscribe to all you bid them,
 “ and take it in their own corrupted sense? Must you,
 “ therefore, be still making new laws and articles till you
 “ meet with some which they cannot misunderstand, or
 “ dare not thus abuse? Sure there is a wiser way than
 “ this: *God’s word containeth in sufficient expressions all*
 “ *that is necessary to be subscribed* :—to require, therefore,
 “ none to subscribe to any man in matters of faith and holy
 “ practice*.”

“ We would have had the brethren (the Presbyterians)
 “ to have offered the Parliament the Creed (the Apostles’),
 “ the Lord’s Prayer, and Decalogue, as essentials or fun-
 “ damentals, which, at least, contain all that is necessary
 “ to salvation, and hath been by all ancient churches taken
 “ for the sum of their religion: and whereas, it was said,
 “ ‘ *A Socinian or a Papist will subscribe all this,*’ I answered,
 “ ‘ *So much the better, and so much the fitter it is to be a*
 “ ‘ *matter of our concord.*’ But if you are afraid of commu-
 “ nion with Papists and Socinians, it must not be avoided
 “ by making a new rule or test of faith, which they will not
 “ subscribe to, or by forcing others to subscribe to more
 “ than they can do; but by calling them to account, when-
 “ ever in preaching or writing they contradict or abuse
 “ the truths which they have not subscribed†.”

The same liberality must have influenced the opinion of
 those who settled the address to King William, which pro-
 posed “ that the rule of Christianity might be the rule of
 “ conformity.”

Address by
 Ministers of
 1688.

* Baxter’s Christian Directory. Part IV. c. 11.

† Second Part of a Reply to the “ Vindication of the Non-subscribing
 “ Ministers.” London, 8vo. 1719. Appendix, p. 84.

Howe.

Mr. Howe, another of the first founders of the Presbyterian body, in his sermon of "Union among Protestants," quotes with approbation, from Bishop Davenant, his opinion that "he that believes the things contained in the Apostles' Creed, and endeavours to live a life agreeable to the precepts of Christ, ought not to be expunged from the roll of Christians, nor be driven from communion with the members of any church whatever."

Calamy.

Calamy was another of the most celebrated Presbyterian divines. His career ranges from about 1694 to 1732. He was favoured with a special mark of respect by Lady Hewley, and was in communication with all classes of Dissenters. In the History of his Life, written by himself, he gives an account of the motives which induced him to leave the Established Church, and in it quotes the following passage from Chillingworth. His conduct through life, especially during the proceedings at Salters' Hall, were in conformity with the sentiments it contains.

"I am entirely of his mind (Chillingworth), above all in that glorious passage, 'When I say to Mr. Knot, the religion of Protestants is in truth to be preferred before yours, as on the one side I do not understand by your religion the doctrine of Bellarmine or Baronius, or any other private man among you, nor the doctrine of the Sorbonne, or of the Jesuits, or of the Dominicans, or of any other particular company among you; but that wherein you all agree, or profess to agree, the doctrine of the Council of Trent; so, accordingly, on the other side, by the religion of Protestants, I do not understand the doctrine of Luther, or Calvin, or Melancthon, nor the Confession of Augusta or Geneva, nor the Catechism of Heidelburgh, nor the Articles of the Church of England; no, nor the Harmony of Protestant Confessions; but that wherein they all agree, and which they all subscribe with a greater harmony, as a perfect rule of faith and actions, that is, the Bible. *The Bible, I say, the Bible only is the religion of Protestants.* Whatever else they believe besides it, and the plain, irrefragable, indubit-

“able consequences of it, well may they hold it as a matter
 “of opinion. But as matter of faith and religion, neither
 “can they with coherence to their own grounds believe it
 “themselves, nor require the belief of it of others, without
 “most high and schismatical presumption *.”

“I could not help readily falling in with him, when he
 “so frankly declares that the presumptuous imposing of the
 “senses of man upon the words of God, the *especial* senses
 “of men upon the *general* words of God, and laying them
 “upon men’s consciences, together with and under the pe-
 “nalty of death and damnation ; this vain conceit that we
 “can speak of the things of God better than in the words
 “of God, thus deifying our own interpretation, and tyrannously
 “enforcing them upon others ; *this restraining of*
 “*the word of God from that latitude and generality*, and
 “the understanding of men from that liberty wherein
 “Christ and the Apostles left them, is and hath been the
 “only fountain of all schism in the Church, and that which
 “makes them immortal ; the common incendiary of Christ-
 “endom, and that which I said before tears in pieces, not
 “the coat, but the bowels and members of Christ †.”

Expressing his own opinion, Calamy adds, “Reasoning
 “in religious matters from Church authority appeared to
 “me, upon the strictest search, to be sophistical, unless
 “the Church could be proved infallible ; and I could not
 “find the Church had any authority at all further than she
 “agreed with, and was warranted by, Scripture. The fol-
 “lowing authority blindly would most certainly have been
 “destructive to religion under the Jewish Church ; nor
 “could I perceive it to be a jot more safe under Christi-
 “anity ‡.”

The opinions of Mr. Oldfield, the brother of Dr. Old-
 field, who is the first name of the non-subscribing mini-
 sters at Salters’ Hall, are stated in these words by Mr.
 Shower, in his discourse on Mr. Oldfield’s death :—“Next
 “to his piety, or as part of it, his peaceableness and cha-

Oldfield.
 Shower.

* Calamy’s Life, vol. i. p. 232. (Second Edition.)

† *Ibid.* p. 239.

‡ *Ibid.* p. 254.

“rity, in opposition to bitterness and dividing zeal and
 “a narrow spirit, was very commendable and exemplary.
 “He could unite with all Christians in all things neces-
 “sary, and was not for making more fundamentals and
 “necessaries than Christ had made, or for other terms
 “of Christian communion than the terms of our common
 “Christianity, and therefore was ready to receive all whom
 “he believed Christ would receive*.”

* The views of several other distinguished Presbyterian divines appear in the course of these pages. See also Sermon at Newport Pagnell, Sept. 15, 1725, at the ordination of Mr. W. Hunt, by Jabez Earle, a Presbyterian minister, first of Weigh House, London, and afterwards of the chapel in Hanover Street;—Confession of Faith by Mr. Clerk Oldisworth, Jan. 11, 1720;—Confession of Faith of Dr. Hughes, a celebrated Presbyterian minister, Jan. 11, 1720.—The following passages also illustrate the course of feeling on these subjects.

“When he (Mr. Harvey) first settled in this place, and engaged in constant work, he thought it proper to study over the *Church Controversy*, and not rest in the first impressions of education. He read the *London Cases*, and other principal books, on both sides, with close application and impartiality, and settled at length upon a deliberate judgement in the principles of moderate Nonconformity, which he thought stood upon the great principle of the Reformation, viz. ‘*the perfection of the Scripture rule and the only authority of Christ in the Christian Church; and the unalienable right of every man to judge, according to the best light and advantages offered him, for himself.*’ He stood firm upon a broad bottom, and satisfied himself to be faithful to his light, without censure or uncharitableness to others; and thought he had the advantage of the narrow-spirited on all sides, that he could worship God in the way he preferred, and at the same time own and receive fellow Christians of other communions, and was not confined by any principle or prejudice of mind within any little circle or distinguishing denomination, or obliged to refuse actual communion upon any proper occasions with those who have all the essentials of the Gospel religion, and whom Christ will own at last. He was truly a primitive Catholic, who loved and owned all sincere Christians, and who was of no one party exclusive of all the rest.”—*The Death of Good Men in the midst of their Days considered.* A Funeral Sermon for the late Rev. Samuel Harvey, who deceased April 17, 1729. Preached at Crutched Friars, April 27, by W. Harris, D.D. Published at the desire of the Relations and Congregation: London, 1729. 8vo. pp. 40.

“I do not suppose that Mr. Newman, any more than other studious and ingenious persons, rested on the first impressions of his education;

But the opinion of the Presbyterian ministers living in London in 1719, who chiefly constituted the majority at Salters' Hall, upon the liberty of private interpretation of the terms of Scripture, will be best exhibited by an extract from the "Advices for Peace," published by those who then refused

The London Ministers of 1719.

"but as his judgement ripened, and he grew up into maturer age, he diligently inquired after truth, and faithfully followed every appearance of it, without prejudice, and with a becoming freedom of mind. He had high, but not extravagant, notions of Christian liberty; he had the cause of Nonconformity much at heart; and was a Protestant Dissenting minister upon the firmest principles, and without the least inclination to change, and had lately read, upon this head; which greatly contributed to his fuller satisfaction and further establishment. He highly valued and diligently searched the Holy Scriptures, firmly believing their sufficiency and perfection." &c.—*The End of Created Perfection*. A Funeral Sermon on the late Rev. Samuel Newman, who died May 31, 1735. Preached at Salters' Hall, June 8, 1735, by John Barker (who had been a Minister more than twenty years). Published at the request of the Family and Congregation: London, 1735.

"A Scripture religion and way of worship is as much to be stood up for as ever; and as far as any man, upon a close and diligent search of the Scriptures, does believe that this or the other way is most agreeable thereto, he ought to adhere to it; and to be allowed so to do; for I think it is, in the general, an agreed point amongst Protestants, that no man has a right to impose his sense of the Bible upon another, any more than to impose a new Bible and Scripture itself upon him. In effect the one is pretty much the same with the other."

"The grand point which the Dissenters are contending for is this, that nothing be insisted on, as a *Term of Communion*, but what our Blessed Lord has required, and laid down, as such, in the received canon of the Scripture. And whilst we thus stand up for the original plan of our religion, and the first pure unmixed institutions of it, we think we may look upon ourselves as walking in the name of the Lord our God; and that in this way of doing so we ought to persevere. This we apprehend to be the only means of enlarging the foundations of the Church, so as to take in all who sincerely believe and obey the Gospel; and at the same time securing the sacred inclosure, so as to keep out all who are disobedient and unbelievers. Till matters be reduced to this standard, we have no hope of ever seeing those happy times which the prophet Micah speaks of, when God should so gloriously appear in the midst of them that did resolve to walk in his name."—*To be Everywhere spoken against; considered in Two Sermons preached at Black Fryars, March 9th and 16th, 1712. By S. Wright.*

to subscribe certain doctrinal articles. It is also material to remark, that the occasion of the expression of these sentiments was a discussion respecting the doctrine of the Trinity.

“ If, after all, a public hearing be insisted on, viz.
 “ by any one accused of heresy, we think the Protestant
 “ principle, that the Bible is the only and perfect rule
 “ of faith, obliges those who have the case before them
 “ not to condemn any man upon the authority of human
 “ decisions, or because he consents not to human forms
 “ or phrases. But then only is he to be censured, as
 “ not holding the faith necessary to salvation, when it
 “ appears he contradicts, or refuses to own, the plain and
 “ express declarations of Holy Scripture, in what is there
 “ made necessary to be believed, and in matters there solely
 “ revealed. We further advise that *Catechisms* and other
 “ summaries of Christianity and expositions of Scripture,
 “ by wise and learned though *fallible* men, should be re-
 “ garded as great *helps* to understand the mind of God in
 “ the Scriptures, and *that all be allowed, by common con-*
 “ *sent, to support their own sense of Scripture* upon proper
 “ occasions, with such reasons as appear to them convincing,
 “ provided it be with sobriety and charity to those who
 “ differ from them . . . We think ourselves obliged often
 “ to inculcate this principle upon our hearers, ‘ *that they*
 “ ‘ *ought not to form their judgement in matters necessary to*
 “ ‘ *salvation, by the private sentiments of their ministers, any*
 “ ‘ *further than they are supported by the word of God ;*’
 “ and we assure ourselves, that a tender and scrupulous
 “ regard for the word of God alone will never be thought
 “ either dangerous or inconvenient to the body of Protest-
 “ ant Dissenters. We saw no reason to think that a decla-
 “ ration in other words than those of Scripture would serve
 “ the cause of peace and truth, but rather be the occasion
 “ of great confusion and disorders. *We have already thought*
 “ *that human declarations of faith were far from being eligi-*
 “ *ble on their own account, since they tend to narrow the*
 “ *foundations of Christianity, and to restrain that latitude*
 “ *of expression in which our great legislator has seen fit to*

“*deliver his will to us.* We take it to be inverting the
 “great rule of deciding controversies among Protestants,
 “making the explications and words of men determine the
 “sense of Scripture, instead of making the Scriptures to
 “determine how far the words of men are to be regarded.
 “We therefore could not give our hands to do that which in
 “present circumstances would be like to mislead others, to
 “set up human explication for the decisive rule of faith. We
 “then did, and so now, judge it our duty to remonstrate
 “against such a precedent as opening a way to (what we
 “dread,) the most fatal breaches on Gospel liberty.”

And in a further “Vindication” these ministers declare,
 —“This Catechism (the Assembly’s) is what we teach our
 “children, and recommend to others, as well as our bre-
 “thren; and to keep it in its proper place and to its proper
 “use, as a catechism, is to answer the end of our recom-
 “mending and teaching it; and it is well known we give
 “our explications of it where we teach it. *But shall that*
 “*which is only to be used as a means of instruction be set up*
 “*as a test of faith?*”

These and many similar expressions exhibit the general
 views of the leading Presbyterians at the beginning of the
 eighteenth century. They record not opinions formed for
 the first time in 1719, but such as had been previously enter-
 tained. Among those by whom they were stated lay Lady
 Hewley’s circle of acquaintance. The principle they assert-
 ed was, that the Bible, and the Bible only, was the sole rule
 of faith; and that in expressing the doctrines it contains, no
 other words than those to be found in it should be employed.
 Bowles’s Catechism was adapted to this rule. It is now
 quoted as a test of Lady Hewley’s orthodoxy, when it ob-
 viously raises a strong case of the contrary suspicion. To
 set up any test of faith but the Bible, was thought to be not
 only opposed to the precepts it contains, but was a certain
 means to promote those dissensions and controversies which
 it was desirable to silence. The majority of the ministers
 at Salters’ Hall regarded any test of belief in other than
 Scriptural language as an invasion of the great principle of

General
 concurrence
 in these
 opinions at
 beginning of
 eighteenth
 century.

Protestant Dissent, "the right of private judgement." They had witnessed the ill effects of interfering with belief conscientiously entertained, and they derived instruction from the lesson. They refused to sanction proceedings which might make error perpetual, and render the profession of it profitable. A creed could not be framed without the possibility of error, and it could only be employed to favour an exclusive spirit. To put definite meanings on the general expressions of Scripture, and to insist upon limited terms as conveying the same sense as more general ones, appeared to them an act of impiety. It was a correction and modification of the inspired writings which no man was authorized to make.

No exception to the liberal principle.

It was thus solemnly determined in 1719, that the principle asserted admitted of no exceptions. Assent to the imposition of a creed, even with regard to the doctrine of the Trinity, was refused. Arian doctrines were prevalent, and were openly preached by some members of the Presbyterian body; yet the only method to prevent their extension was rejected, by men many of them totally unaffected by the existing heresy. A learned legal authority denounces other than Trinitarian doctrines as unchristian and blasphemous, and pictures the pious "horror" that heresy respecting them must, as he supposes, have excited in the breast of an orthodox Presbyterian. Unfortunately for the truth of the picture, the history of the Presbyterian body utterly negatives that presumption. It, on the contrary, displays the prevalence of opposite feelings, and the practice of virtues which viewed with equal charity all conscientious differences of doctrine. The modern Presbyterian refuses to employ unscriptural phrases respecting the Trinity, or to adopt those terms which the articles of the Church of England or the Assembly's Catechism have connected with it. The early Presbyterian, even though assenting to those terms, would have expressed no feeling of offence at such a course; for he himself approved of and practised it, even before he deviated from the beaten track of doctrine.

Opinions of Laymen.

We have seen the opinions of divines; we will see how

a layman regarded the same subject. Of the first Viscount Barrington, Swift, in a letter to Archbishop King*, says, "One Mr. Shute is named for secretary to Lord Wharton; he is a young man, but reckoned the shrewdest head in England, and the person in whom the Presbyterians chiefly *confide*." He attended divine worship, and for many years received the sacrament, at Pinners' Hall. Dr. Jeremiah Hunt, a very eminent Nonconformist divine, was pastor of the congregation assembling there †. His Lordship had formerly been an attendant on Mr. Thomas Bradbury, and it is expressly related of him, that "he quitted that gentleman on account of his bigoted zeal for imposing unscriptural terms upon the article of the Trinity ‡."

But it will, perhaps, be still more pertinent, in regard to a question pending in the Court of Chancery, to quote the testimony of Sir Joseph Jekyll, a distinguished Presbyterian, afterwards Master of the Rolls. We are now told from the Bench, that a liberal Presbyterian of those days would have "shrunk with horror" at extending her liberality to those who questioned the doctrine of the Trinity. But how would a contemporary Master of the Rolls, who best knew the spirit of his sect, have decided that point? When it was determined at Salters' Hall, he is recorded to have summed up the question at issue and its result thus,—*"THE BIBLE CARRIED IT BY FOUR §."*

Jekyll,
Master of
the Rolls.

It is plain that what were now called orthodox doctrines were relished neither in the pulpit nor by the great body of

Strict or-
thodox not
in favour.

* Swift's Works, 12mo, 1765, vol. xiv. p. 50.

† "He (Mr. Locke) and his noble disciple (Viscount Barrington) have been the means of diffusing a very general spirit of *free and Scriptural criticism*; which, though too often perverted, has been proved by experience to be well adapted to the more perfect apprehension of the meaning of Scripture, and which has consequently been cultivated among all classes of theologians. As His Lordship's attention was much directed to the study of Divinity, he had a *strong sense of the importance of free inquiry in matters of religion*."—Life of Viscount Barrington, by the Rev. George Townsend, Prebendary of Durham, p. xx.

‡ Barrington's Theological Works, by Townsend, p. xvii.

§ Whiston's Memoirs.

Presbyterians; at least, not if orthodoxy can only be proved by the use of expressions not Scriptural. Indeed it seems useless to dwell on such a point, after the solemn and considerate determination made at Salters' Hall. That was a strong expression of unwillingness to prevent the free discussion and examination of the doctrine of the Trinity, or to check the progress of Arian sentiments, then notoriously prevalent. If they had entertained such opinions upon the subject, as they are now said by the Independents, and supposed from the Bench, to have done, the whole course of their lives, the inflexible integrity they exhibited in the profession of their belief must convince us, that they would have regarded it as a serious duty not to have shrunk, in consequence of any actual or imaginary difficulties, from asserting the importance of enforcing the doctrine and of maintaining the criminality of its denial.

Date of
Presbyterian
Foundations.

Terms of
the trusts.

Most of the Presbyterian charities date between the years 1690 and 1730. There are several of a later date, but the principal were established within this period.

The terms of the trust deeds are exceedingly general. The property was usually conveyed to the minister and members of the congregation for the worship and service of God; often with a declaration that such worship and service should be carried on in such form and manner as the congregation should, from time to time, direct; and with an occasional provision as to the disposition of the property in the event of such worship ceasing to be legal and tolerated. From this latter provision a far-fetched and unfounded inference has been drawn; as if a precaution, so obviously proper, as a matter of temporal prudence, was meant to controul the freedom of the congregation, and inferentially to adopt as a creed the limits of that toleration which it was their object to extend—to sanction restrictions with which their most eminent divines were dissatisfied and practically refused to comply; as if a creed, in short, was imposed by those, who, whenever the point came directly before them, declared they would impose none. Besides

chapels, and, occasionally, ministers' houses, there are other charities, consisting of the profits of various funds, which the trustees are usually directed to distribute among Dissenting ministers generally; or perhaps, as in the case of Lady Hewley's charity, (using the language of the day,) "among godly preachers," or "preachers of the Gospel," or "Christ's Holy Gospel."

The varying state of the law in some measure accounts for the generality of these expressions. At one time all Dissenting bodies had been tolerated; at another they had been deprived of every religious privilege. It was sometimes doubtful whether the law was or was not invaded, or how long it would permit the existence of such charities; and prudence required a manifestation of intent to keep within legal bounds. We have before us an instance of one charity of this sort, in which the trusts are directly framed so as to open or shut as the law should either extend or contract; and to permit the advantages of it to be enjoyed by any preacher duly chosen; he complying with whatever legal test or subscription the law might, *for the time being*, impose. The legal consequences are thus carefully provided against, and at the same time the discretion of the minister and of the congregation is left as unchecked as possible; and this must have been the intent of all consistently acting upon the principles then avowed by the Presbyterians. In a trust deed now before us, of this period, it is expressly provided that there shall be no interference with the doctrines preached by the minister. "The minister is not to be accountable to any man or any body of men for what he preaches."

Reasons for these expressions.

We shall notice hereafter a Norwich charity, very similar to that by Lady Hewley, founded "for Protestant Dissenting Ministers," by a lady of a notoriously Arian congregation; and which has, like many other Presbyterian charities, been always distributed among Presbyterians, Independents, and Baptists. The Presbyterians had tried to combine all Dissenters by abolishing distinctive creeds; but failing in this, they, as in such instances as Lady Hewley's,

Practical cases of the widest intent.

practically acted on their comprehensive principles, and included in their benevolent solicitude even those who refused to be united with them in social or devotional communities. We know of no instances of this sort among the Independents. With hardly an exception, all the Presbyterian trust deeds are without restrictions, and contain no clauses of restraint of the course of opinion in the congregations for whose use they were immediately founded. Neither the minister nor his congregation are bound to pursue any given set of doctrines. Every freedom is afforded to the pursuit of theological inquiries. There can be no error as to the intention. The question, "shall there be a creed imposed or not," was well known; it had been argued, and its determination formed a badge of distinction. Had the founders been attached to their own sentiments so strongly that deviation from them would, by them, have been treated as objectionable, how happens it that no expression denoting such feeling is to be found in their trust deeds? How is it that their congregational acts did not assist or promote it? The Independents did not thus act. Religious belief is, on the admission of their ministers, distinctly stated. By practice the members of their congregations are called upon to make confessions of faith, and to express a determination to adhere to them. The difference in the whole course and practice of the two parties indicates a distinguishing principle. There was nothing to prevent the limitations required by the one from being required by the other, or the confessions of doctrines demanded by the one from being demanded by the other.

The supposed mis-
chief fully
known.

The *silence* of the endowments, especially taken in connexion with the uncertain state of the law, would alone demonstrate that the governing principle of the Presbyterians was to leave that liberty to others which they claimed for themselves; to look to Scripture as the sole rule of faith; to admit to its full extent the right of private judgement; and virtually to admit the innocence of involuntary error. Had the perpetuation of a peculiar system of discipline or doctrine been intended,

what prevented the declaration of such an intent? Why are the deeds silent respecting the unsound doctrines, when the Nonconformist world was ringing with the controversy as to whether heresy should or should not be repressed by subscription? If endowments to propagate Calvinism, or to support chapels and a ministry favouring it, were intended, why were no fences erected to prevent the prevalence of errors, as some represent them to be, which were seen and were debated by the very persons whose indignation we are now told would have been excited by them? No barrier against the manifest heresy was raised; no protection was framed to exclude the offensive creed; and no separation was attempted from those who publicly and openly were known to advance the criminal doctrines. Was the evil seen? It was seriously considered, and the solemn decision,—even of those who saw its extent,—was that its consequences must in consistency be allowed. Were the guilty parties pointed out for rebuke? They were eminent and learned and pious, and their ministry was encouraged. Is there any other admissible conclusion, then, than this,—that the principle of the Presbyterians was not to interfere with doctrines; to allow all to act upon their own responsibility in receiving or rejecting any religious opinions; and not to censure any for acting in the honest exercise of their judgement? Their sentiments were latitudinarian, and the expression of their trust deeds general; and an injustice is committed and the plain and obvious intent is violated, under the pretence of carrying it into effect, when unlimited terms are restricted, and definite expressions substituted for those purposely left indefinite.

By the constitution of nearly all the Presbyterian chapels, the election of the ministers is in the congregation. They decide, by a majority, the fitness, competence, and doctrines of their teachers. Little inconvenience has arisen from the system, and it is almost universal. The trustees have not governed the congregations. In some deeds provision is made for the trustees being members of the congregation, in order to prevent as far as possible any im-

Election of
ministers.

proper exercise of power. If they and the congregation entertain heretical opinions, it has not been from the corrupt conduct of trustees, but from the moral effect of those causes which have affected both the trustees and the congregations.

Rules in the
administration of a
charity.

In order to determine on the due administration of any charity, it is necessary to ascertain the intent of its founder. "It is clearly settled, that if a fund, real or personal, be given in such a way that the purpose be clearly expressed to be, that of maintaining a 'Society of Protestant Dissenters,' promoting no doctrine contrary to law, although such as may be at variance with the doctrines of the Established Church, it is the duty of this Court to carry such trust into execution, and to administer it according to the intent of the founders*." It becomes, therefore, essential to ascertain the intent, and to collect that evidence relating to it, which, in any trust indefinite in its terms, may be supposed best to declare it. "When a body of Protestant Dissenters have established a trust without any precise definition of the object or mode of worship, I know no means the Court has of ascertaining it, except by looking to what has passed, and thereby collecting what may, by fair inference, be presumed to have been the intention of the founder*." In thus referring, in the case of Presbyterian charities, to the past, the right of private judgement prominently and foremost presents itself. This was the great Presbyterian principle. In other cases the past confines itself to limited considerations, narrowly restraining the design and intent of the foundation.

Cases requiring inquiry into doctrine.

Various cases might be put where inquiry into the actual doctrines of the founders would be proper and necessary. Such would be those of institutions, the founders of which had asserted the necessity of articles and subscriptions, and proposed either as the test of qualification; who, having adopted a peculiar interpretation of certain words, have di-

* Lord Eldon, in 3 Merivale—"Attorney-General v. Pearson."

stinctly desired assent to such interpretation with all its peculiarities. Foundations by members of the Church of England would be within this rule: but a Presbyterian foundation could not be subject to it, if "stinted creeds" were, as was most undoubtedly the case, rejected by Presbyterians. An instance more difficult of determination would be that of a foundation by one belonging to no known body of Dissenters, who should take upon himself to compose a creed, and require subscription to it; for instance, a sweeping subscription, such as that of Wesleyan Methodists to the doctrines contained in certain writings of Mr. Wesley. The inconveniences accompanying such an inquiry are only a degree greater than those attending the former case.

The whole system is, in the Presbyterian view, false and mischievous. It may preserve unity in a church, because those who doubt,—though they may form the majority, or even the entirety of the congregation,—must either acquiesce or withdraw. Every one, under such a system, is subject to those very restrictions, for which Establishments are considered so open to objection. Had the circumstances which create belief and enable assent to any proposition to be given been duly considered, neither creeds nor liturgies nor articles would have been enforced by violent persuasives or dissuasives. Facts not within our knowledge, or the inferences they admit of, can only be believed in proportion as the evidence connected with them is strong or weak. If the evidence is strong, the belief it occasions is involuntary, and can only be affected by presenting a new series of circumstances to the mind. Expressions may be uttered indicating a state of mental affection not actually experienced; but immoral or interested motives must first be excited.

Mischief of
the system.

If the Presbyterians were at any time generally Trinitarian, it was not from abhorrence of other doctrines. Their preference was accompanied by no such feeling. It simply appeared right to the individual to prefer one doctrine to another, for his own religious guidance; and he left his neighbour to adopt a different conclusion, if

Presbyterians when
orthodox
were so by
individual
preference
only.

his judgement so directed him. Interference with religious belief was regarded as more mischievous than all the errors ignorance or weakness might produce. To each individual the power of acting upon his own responsibility was afforded, and the mischief of an improper decision was the motive to avoid it. Any other course would have produced a habit of pursuing error, or, by favouring indifference, have perpetuated mischievous opinions. The maintenance of the doctrinal unity of a church—or rather of its property—would have been, in their view, a poor compensation for the loss of liberty of inquiry. The principle of permanent adherence to special tenets, or a careless reliance upon those capable of error, may chain all within the narrow circle of Conformity. But was indifference or inquiry, at the period of the Reformation, a moral duty? If inquiry was then a moral duty, why does it cease to be so now? If it is a duty, in what consists its merit, if the adoption of given conclusions is to be compulsory? They who express fears respecting certain religious opinions, forget the manner in which their own doctrines were established. Was tradition rendered unauthoritative by subscriptions, or were superstitions exposed otherwise than by the force of evidence? If articles of belief are free from doubt, consent is involuntary, and subscription needless*. If they are doubtful, is it moral to set up motives which may tempt the expression of assent in the absence of belief? And is it not the duty of all, and of courts of law particularly, to preserve a high state of moral feeling, and to lean against articles and subscriptions as contrary to sound policy, rather than to afford them encouragement?

Limits to
freedom in
these mat-

There may be limits to the principle urged, but they are not doctrinal. It may be checked, if it "produce

* "This is the miserable condition of a convict heretic: the punishment which fell on him for expressing thoughts heretical, he must endure for barely thinking; which is a thing not in his own power, but depends on the evidence which appears to him."—*Bishop Hare on the Difficulties and Discouragements which attend the Study of Scripture in the way of Private Judgement.*

peace-disturbing enormities." But he who would think it necessary to prevent all the evils which indiscretion and folly may create would, in his attempt, so bind up the thoughts and creeds of every conscientious man, from the fear of possible danger and possible mischief, as to restrain all inquiry. How can the character and tendency of opinions be judged of by a court of law, except so far as they plainly affect the peace of society; and that obviously and directly, not presumptively or by inference? If the peculiar opinions of any sect are submitted to the judicial determination of the Court of Chancery, what is to be considered if the question relates generally to religion? The Episcopalian accuses all of schism; of disturbing the uniformity of the worship of the State; of the severance and abolition of one of its prominent institutions, necessary, as such Episcopalian contends, to the peace and welfare of the community. The Nonconformist can only defend himself by asserting the conscientious nature of his belief, and that the peace of the community is not affected by it:—at any rate, that it would be most affected by any attempts to restrain him. The same limit must govern the toleration extended to every sect; and the mischief anticipated is purely imaginary.

ters not
doctrinal.

At the date of most of the Presbyterian charities, the old Presbyterian system, as has already been shown, did not exist. The connexion between congregations was merely voluntary. General discipline was not acknowledged, and there was no general organization. For whose benefit, and with what intent, were the Presbyterian charities founded?

Intent of
Presbyter-
ian foun-
ders.

Whoever rejects the imposition of all statements, positive in their terms, respecting disputed doctrines,—who refuses to acknowledge the authority of any person to require such statements,—must, if he found a religious charity, be presumed to intend to favour those who with himself contend for the liberty of free inquiry. If the peculiar doctrines of such a person are sought to be ascertained, and all departure from them is to be restrained, an attempt is made to set up a standard of belief for adoption, and to require

opinions to be approved of, which the party professing them held to be fallible, and did not impose. In other words, the great principle which the founder asserted is opposed, instead of being carried into effect. It is impossible he should not have perceived that variation of opinion was the direct and necessary consequence of the exercise of that principle, any limitation of which would render it worthless, and would be an act inconsistent with the principle itself. It would be grossly absurd that a religious body should admit a principle, and then be declared dissolved in consequence of the natural and necessary operation of that principle. The moment any restriction is imposed, implicit assent to creeds, liturgies, or articles is required, and exclusion from the charity follows from their rejection. It is affectation to admit that liberty of inquiry was a principle which governed the conduct and intent of the founder, if his opinions are to be a standard of belief. Liberty of inquiry, if it exists at all, must be full, complete, and perfect, unconfined by authority, and unrestrained in all the paths it may pursue. Once recognise it, and the limits of its course are boundless. Restrict it, and you create a special creed. It matters not to say that the restraint is slight;—*any* restraint is inconsistent with the principle. An arbitrary power is assumed, and rules are laid down to govern the intent of men, who during their lives had denounced such rules as unscriptural and uncharitable. They were governed by kindly and benevolent feelings, by lofty and high notions of the bounty and mercy of the Deity; nor could they comprehend how any one seriously receiving the Scripture as his rule of faith, should fall into error affecting his future condition. They who restrict the principle of free inquiry, contradict all the pure and elevated sentiments which animated those whose intentions they pretend to expound.

Restrictions
as to parti-
cular doc-
trines, sup-
posed to be
essential.

But such a restraint only is desired as shall exclude those who deny the Church of England doctrines of the Trinity and Original Sin. That the last of these dogmas should be included with the former strongly shows the difficulties which arise out of any attempt to fix essentials of belief. Upon the

doctrine of Original Sin, it was observed by Sir Charles Wetherell in his argument in *Lady Hewley's case*, that Dr. Pretyman Tomlin, Bishop of Winchester, had (after adverting to the discrepancies of opinion maintained on it, and particularly by St. Augustine, who did not receive the doctrine of Original Sin as set out in the Thirty-nine Articles,) remarked, "It must be acknowledged that original guilt, considered in this point of view, is a difficult and abstruse subject; and as the Scriptures do not inform us what were the full and precise effects of Adam's disobedience upon his posterity, it is perhaps scarcely to be expected that there should be an uniformity of opinion among divines upon that point. We may, however, observe, that the difference between those who confine original guilt to a mere liability to death and sin, and those who extend it to punishment also, is not very material, since both sides admit that Christ died as a propitiation for all the sins of the whole world." So that one of the prelates of the Church itself holds that uniformity on this doctrine, as received by such Church, is not important; and that the mode in which it receives it may be rejected. The doctrine itself need not, for our purpose, be specially considered or weighed. It is sufficient that many pious Christians doubt it; even the Calvinists are at this time engaged in a controversy respecting it. It is unwise and injudicious for any Protestant to assert its essentiality. An infallible Church is entitled to every excuse, if it excludes those from terms of communion who, in any degree, dissent from it; but how can a Church,—admitting itself fallible, be privileged to determine for all men what are essential doctrines? "Believe as we believe" was the language of the Church of Rome. "Believe as we believe" is the language of the modern Independent. What the Presbyterian founders of any charity would have regarded proper to be believed, and whether they would have considered Original Sin or the Trinity essentials or not, are inquiries the result of which is, in reference to the present question, a matter of perfect indifference. We do happen to know that their opinions were latitudinarian, and there is abundant evidence in

existence to show that their reply to those who might urge them to lay down in terms any doctrines they themselves held as fundamentals of belief, would have been, "That as they commended themselves to divine favour by their own conscientious conduct, so they would not interfere with the course others might justify themselves in pursuing." The principle contended for admits the reception or the rejection of *any* religious doctrine. What one individual might attach importance to, another might esteem of secondary moment. Both are within the principle which grants to each the authority of so determining, and approves of the decisions of each, though they may be contradictory. Original Sin one man may regard as a momentous doctrine; another may reject it; and if all the variations from the doctrines entertained by the founders of these churches might be traced, however extensive they might be, they are but the necessary consequences of a principle which the founders admitted.

Bishop
Hare's ex-
tension of
the princi-
ple.

That no limitation should be imposed upon this principle of inquiry, is expressly maintained in the very admirable and excellent treatise of Francis Hare, Bishop of Chichester, "On the Difficulties and Discouragements which attend the Study of the Scriptures." He maintains that the doctrine of the Trinity is a subject of debate, and strongly inveighs against the injustice and ill treatment experienced by those who question it. For freedom of inquiry in all its consequences he distinctly contends, and strongly asserts its necessity.

"You may reject arguments brought from the Old Testament to prove the Trinity as trifling, and proving nothing but the ignorance of those who use them. You may think prophecy has a literal meaning, when commonly the mystical is thought the only one. You may think that many texts in the New Testament which are strong against the Socinians do not prove against the Arian notion. That the title, Son of God, has not always one uniform meaning in the Gospel, analogous to generation in men. That the identical consubstantiality

“of the Son, the eternal procession of the Spirit, and many other notions relating to the Trinity, though they may be true in themselves, are not so in virtue of the texts alleged for them. These notions learned men have fallen into; and from thence it is to be presumed you will not easily keep clear of them. *I choose to instance chiefly in matters relating to the Trinity, because it is the controversy now on foot; but the like may be said of many other articles in which the truth is one and the errors infinite*.*”

The writer then states the misrepresentation and abuse to which those are exposed who doubt such received doctrines; and he strongly comments upon the consequences.

“Did these learned men decline this study because they wanted the abilities proper for it? Surely that will not be said of men of their confessed learning. Or was there want of inclination or good will to it? No; they were men of virtue and good Protestants, as well as scholars and men of letters. What then? Did they who had taken so much pains upon other books, and with so much success, think the Scriptures the only ones that needed not their help? Neither can that be pretended. They saw the sacred books, through the injury of time and the ignorance of scribes, had suffered as well as others, and much more by false and absurd interpretations. To be plain, the one thing that turned them from so noble and necessary a study *was the want of liberty, which in this study only is denied men.* They found it was dangerous to examine impartially and speak freely; that they must write without liberty or with no safety; that it would be expected of them to strain all their wit and learning, to patronise and palliate gross errors, instead of exposing or mending them; and to support the received interpretations, however absurd, instead of such as reason and learning convinced them were the only true ones. But this was a task men of ingenuous minds, whose integrity and love of truth was equal to their penetration and great

* Page 9. The Edition quoted is the Sixth, published in 1715.

"abilities, could not submit to; for men to have eyes and
 "understandings of their own, and yet not to see or to un-
 "derstand but as they were bid, and that by men who could
 "not see or understand themselves; *ὡς ἀργαλέον πρᾶγμα!*
 "To make such blind use of their learning and abilities was,
 "they thought, to pervert the very end of them, and really
 "to dishonour God, whose service they were given for.
 "Since, therefore, they could not bear the thoughts of stu-
 "dying the Scriptures on these terms, no part was left men
 "who could not be idle but to turn to some other study
 "in which, without fear of danger or offence, they might
 "freely go whither truth and reason lead *."

"If some inconveniences would arise from the liberty I
 "contend for, they are nothing in comparison of those
 "which must follow from the want of it. Till there is such
 "a liberty allowed to clergymen; till there is such a secu-
 "rity for their reputations, fortunes and persons; I fear I
 "must add, till so difficult a study meets with proportion-
 "able encouragement, 'tis impossible a sincere, impartial,
 "and laborious application to it should generally prevail:
 "And till it does, it is impossible the Scriptures should be
 "well understood: And till they are, they are a Rule of
 "Faith in name only. For 'tis not the words of Scripture,
 "but the sense, which is the Rule: And so far as that is
 "not understood, so far the Scriptures are not our Rule:
 "whatever we pretend, but the sense that men have put on
 "them; men fallible as ourselves, and who were by no
 "means so well furnished as the learned at present are with
 "the proper helps to find out the true meaning of Scrip-
 "ture. *And while we take the sense of Scriptures in this*
manner upon content, and see not with our own eyes, we
insensibly relapse into the principles of Popery, and give
up the only ground on which we can justify our separation
from the Church of Rome. It was a right to study and to
 "judge of the Scriptures for themselves that our first Re-
 "formers asserted with so good effect; and their successors
 "can defend their adherence to them on no other principle.

" If, then, we are *concerned* for the study of the Scrip-
 " tures, further than *in words*; if we in earnest *think* them
 " the only Rule of Faith, let us *act* as if we thought so;
 " let us *heartily encourage* a free and impartial study of them;
 " let us *lay aside* that malignant, arbitrary, and persecuting
 " *popish spirit*; let us *put no fetters on men's understandings*,
 " nor any other bounds to their inquiries but what God and
 " *truth have set*. Let us, if we would not give up the Pro-
 " testant principle, that *the Scriptures are plain and clear*
 " in the necessary articles, declare nothing to be necessary
 " but what is clearly revealed in them . . . Upon the whole,
 " a free and impartial study of the Scriptures either ought
 " to be encouraged or it ought not. There is *no medium*,
 " and therefore those who are against one side, whichever
 " it be, are necessarily espousers of the other. Those who
 " think it ought not to be encouraged, will, I hope, think
 " it no injury to be thought to defend their opinion upon
 " such reasons as have been brought for it till they give
 " better. On the other hand, those who think these reasons
 " inconclusive, and can't find better, will find themselves
 " obliged to confess, that such a study ought to be encou-
 " raged, and, consequently, must take care how they are
 " accessory to such practices, as in their natural conse-
 " quences cannot but tend to its discouragement, lest they
 " come into the condemnation of those who love darkness
 " rather than light, and for their punishment be finally
 " adjudged to it. There is in this case no other medium
 " between *encouraging* and *discouraging* but what there is
 " between light and darkness*."

Nothing seems clearer than that the Presbyterian foun-
 dations, on the very principle asserted by Bishop Hare,
 were not established with a view to the maintenance
 of Trinitarian sentiments against Unitarian,—of any doc-
 trine as opposed to another—or in assertion of any point
 which can strictly be called a point of *faith*. They were

Presby-
 terian foun-
 dations not
 based on
 mainten-
 ance of any
 doctrine.

founded to secure the benefit of regular religious worship, unfettered by liturgies, and the advantage of Christian ordinances in what appeared to be a scriptural form. This was the object, and the trusts were created merely to secure it. Doctrine was at best a collateral consideration; if it had been the leading consideration, the chapels would not have been built; as their founders generally agreed with the Church. And admitting that the early Presbyterians, in doctrinal opinion, agreed with the Church, still it is plain that they did not set any such agreement in opposition to the great principle which they upheld;—namely, the duty of forbearance to fetter free inquiry, and of bringing and letting all bring every doctrine to the test of its conformity with Scripture, of which the interpretation lay in the private judgement of each individual.

Supposed
restriction
to ortho-
doxy.

The intention is sometimes implied to be limited by the meaning of a mere phrase. "The founders were orthodox." Granted;—but it is nevertheless denied that those who do not agree in the doctrine of the Trinity are not orthodox also; in the proper sense of those who insisted on the Scripture as the only rule of faith, of which each, according to his ability, was the true and only judge. And here it may be as well to remark a great distinction between non-agreement and denial. The modern Presbyterian, like many of his early ancestors, may not *deny* the doctrine of the Trinity; for evidence may be irresistible to others, which to him is questionable. He does not *agree* to it, but is always ready to receive those impressions respecting it to which an ingenuous mind is liable. But then he is not orthodox. "What is every man's immediate standard of orthodoxy but his own opinions? Should ye object that the standard is not so fleeting a thing as opinion: it is the word of God and right reason. This, if ye will attend to it, will bring you back to the very same point ye seek to avoid. The dictates of Scripture and of reason, we see but too plainly, are differently interpreted by different persons, of whose sincerity we have no ground to doubt. Now to every individual, that only

“ amongst all the varieties of sentiment can be his rule, which
 “ to the best of his judgement, that is, his opinion, is the im-
 “ port of either. Nor is there a possibility of avoiding this
 “ recurrence at last. But such is the intoxication of power,
 “ that men, blinded by it, will not allow themselves to look
 “ forward to the dreadful consequences. And such is the
 “ presumption of vain man, (of which bad quality the weak-
 “ est individuals have generally the greatest share,) that it is
 “ with difficulty any one person can be brought to think that
 “ any other person has or can have as strong conviction of
 “ a different set of opinions as he has of his*.”

To affirm of the modern Presbyterian, as opposed to his predecessors, that he is not orthodox, means, with the Independents, if anything, that he does not adopt all the doctrinal opinions of the early Presbyterians; a variation which would be important in speaking of those who might hold themselves out as members of the Church of England, whose standard of orthodoxy is the Thirty-nine Articles, and which no member of that Church can question without being guilty of Dissent. But the Presbyterian has always disclaimed any fixed standard of orthodoxy, and has never looked with disfavour upon those who differed from him. He never was orthodox at any period subsequent to the Restoration, if the term implies more than the acceptance of certain doctrines by *individuals*, influenced in such acceptance by their own judgement. He had no symbol of his faith save the Scripture; and he held that all were entitled to expound it in such manner as they were best able, bound by no interpretation which others might have made.

Presby-
terians—as
such—have
no standard
of ortho-
doxy.

Some take high ground, indeed, in the argument, who refuse to those who dissent from the doctrine of the Trinity, the title of Christians. Unfortunately for the character and consistency of Dissenters, this has been heard from the mouths of legal advocates instructed by them, and the

The Chris-
tian name
refused to
Unitarians.

* Lectures on Ecclesiastical History, by Geo. Campbell, D.D. Principal of Marischall College, Aberdeen.

weight of whose authority is given to the assertion. It may be proper, therefore, to say a few words on a subject which we are aware none would approach with greater disgust than some of the most respected members of the Independent body itself. The charge was used of old as well as now;—quite early enough for the old Presbyterians to have sanctioned it, by inserting terms of exclusion in their deeds, if disposed so to do. "It is very hard and unjust," said Whiston, "that in this case I am still joined with deists, blasphemers, and atheists; and my great and honest designs for the restoration of the primitive faith, worship, and discipline, must be reckoned among the fatal attempts for setting up, not only heresy, but infidelity and profaneness among us. But just so did the first persecutors of the Christians give them the name of atheists and enemies of the gods*." There are associations connected with the terms "Atheists" and "Deists," which deter many from exposing themselves to the reproach they are meant to convey. A doctrine which some Christians assent to is rejected, and its rejection is converted into a denial of *all* the fundamentals of Christianity; language that shows great ignorance, or a most culpable misrepresentation, of the truth.

Complex character of the doctrine thus asserted to be essential to Christianity.

The metaphysical Articles of the Church of England, relating to the two first persons of the Trinity, are, he observed, what the Dissenters were required to subscribe; and what their founders are to be supposed to have implied as their creed. It is the refusal of assent to *these*, therefore, which is denounced as a denial of Christianity. We believe there are very many among the orthodox Dissenters who would shrink from pledging themselves to all the propositions involved in these Articles; and, at any rate, it is notorious that a rigid examination of their conformity to them would at all times exclude many from the endowment of which such Articles should be supposed to be the qualification. They are as follows:

* Whiston's Account, p. 55.

"I. That there is but one living and true God everlasting, without body, parts, or passions, of infinite power, wisdom, and goodness, the maker and preserver of all things, both visible and invisible: And in the unity of the Godhead, there be *three persons of one substance*, power, and eternity, the Father, the Son, and the Holy Ghost.

Articles of
the Church.

"II. That the Son, which is the Word of the Father, begotten from everlasting of the Father, the very and eternal God, of *one substance with the Father*, took man's nature in the womb of the Blessed Virgin, of *her substance*, so that *two whole and perfect natures*; that is to say, the Godhead and the Manhood, were joined together, *never* to be divided, whereof is one Christ, *very* God and *very* man, who truly suffered, was crucified, dead, and buried, to reconcile his Father to us, and to be a sacrifice not only for *original* guilt, but also for the *actual* sins of men."

The Presbyterians, whom it is attempted to exclude from their early foundations, for refusing to assent to the doctrine of these Articles, affirm, and truly, that many words are used in them which are nowhere to be found in Scripture; that interpretations of religious doctrines ought to be expressed in those plain and intelligible terms in which they were originally conveyed to men. "It must be owned," says Bishop Smalridge, "that the doctrine of the Trinity, as it is proposed in our articles, our liturgy, and our creed, is not in so many words taught us in the Holy Scriptures. What we profess in our prayers we nowhere read in Scripture, that the one God, the one Lord, is not only one person, but three persons in one substance. There is no such text in Scripture as this, that the Unity in Trinity and the Trinity in Unity is to be worshiped. No one of the inspired writers has expressly affirmed that in the Trinity no one is afore or after the other, none is greater or less than another, but the whole three persons are co-eternal together and co-equal. But although these truths are not read in Scripture, they may be easily, readily, and undeniably inferred from Scripture*." Now the inference which the

Presbyterian view
of such
dogmas.

* Bishop Smalridge's Sermons, xxxiii., quoted from Whiston's "Account."

Bishop asserts to be undeniable has, unfortunately for his position, been questioned from the very earliest ages. Disputes have always existed whether "created" should be substituted for "begotten,"—whether *λογος* was identical with *ουσια*,—whether "substance" could denote the Divine nature,—whether the Trinity should be expressed "to the Father, by the Son and in the Holy Ghost,"—or "to the Father and the Son in the Holy Ghost,"—or "to the Father in the Son and the Holy Ghost;" and there are volumes of controversial divinity upon these questions.

Misrepresentations as to Unitarians.

Those who are called Unitarians are much misrepresented, and the doctrines they receive perverted by those who pretend to state them. The nature, the power, the authority, and the perfections of Christ, they designate in those terms which the Scripture employs. Can such a course amount to a denial of the truth of Christianity?

The Christian belief of Lady Hewley's Trustees.

The Trustees of Lady Hewley's charity were, by a course unheard of, compelled upon oath, though making no other profession of belief than that arising from the Scriptures, and of those doctrines their perusal should suggest, to frame a creed. The Rev. Mr. Wellbeloved, in the text and words of Scripture, after the manner of all his learned and pious predecessors, expressed his belief, *on oath*, in the following form.

"That to know God to be the true God, and Jesus, the Christ whom he sent, is eternal life. That it is my duty
 "to worship God according to the precepts and example
 "of my divine Lord and Master, who taught his disciples
 "to pray to God as their Father in Heaven, and to ask of
 "him what they needed in his name. That it is my duty to
 "ascribe glory to the only wise God through Jesus Christ.
 "That I acknowledge Jesus to be the Word, that in the beginning was with God; and I rejoice in the doctrine of the
 "Evangelist, that God so loved the world, that he sent forth
 "his only begotten Son into the world, not to condemn the
 "world, but that through him the world might be saved.
 "That I believe that God having sent him forth was with
 "him; that the works which he did and the words which he

" spake were not his own; but the words of the Father who
 " sent him, and whose will he came to do. I believe that
 " Jesus was, as he said of himself, a man who spoke the truth
 " he heard from God; and as God commanded or instructed
 " him, so he spake. I believe, according to the words of the
 " Apostle Peter, that Jesus of Nazareth was a man approved
 " of God by miracles and wonders and signs that God did
 " by him; that after having been crucified and slain, God
 " raised him from the dead, and made him both Lord and
 " Christ; that then he was glorified by God. That in con-
 " formity with the doctrines of the inspired Apostle Paul,
 " I acknowledge and believe in one God, the Father, of
 " whom are all things, and one Lord Jesus Christ, by whom
 " are all things, and we by him; and I believe that there is
 " one God and one Mediator between God and man, the Man
 " Jesus Christ, by whom God hath reconciled us to him-
 " self, who was made sin for us, that we might be the right-
 " eousness of God in him, who gave himself for us, that he
 " might redeem us from all iniquity, and purify unto him-
 " self a peculiar people, zealous of good works. I acknow-
 " ledge Christ as the image of the invisible God, the first-
 " born of every creature, in whom it pleased the Father all
 " fullness should dwell; who was made a little lower than
 " the angels, but for the sufferings of death crowned with
 " glory and honour, that by the grace of God he should
 " taste death for every man: that he was made in all things
 " like unto his brethren in all points, and tempted like
 " them, yet without sin; and whom, having become obe-
 " dient to death, God highly exalted, giving to him a name
 " above every name; that at the name of Jesus every knee
 " should bow, and every tongue confess that Jesus Christ is
 " Lord to the glory of God the Father. I believe that the
 " purposes and grace of God were made manifest by the
 " appearing of Jesus Christ, who hath abolished death and
 " brought life and immortality to light through the Gospel;
 " that in the day when God shall judge the secrets of men
 " by Jesus Christ, he will render to every man according
 " to his deeds. That to these doctrines of Christ and of

"his Apostles I give my unqualified assent, and that whatsoever is taught in Christ's holy Gospel concerning the existence, perfections and government of God, the person and office of Christ, the terms of pardon and acceptance with God, the duties of life, and a future state of righteous retribution, I gratefully and cordially receive as divine truth."

Dr. John
Taylor's
Statement.

A similar profession was made near a century ago by Dr. John Taylor; whose belief, more shortly but as precisely, was expressed thus.

"What the Scriptures reveal concerning the Son of God, we acknowledge and believe. We own him in all his offices of prophet, priest and king, as the one Mediator between God and man, our Advocate and Intercessor, the Surety of a better Covenant, the Captain and Author of our Salvation, the only name under heaven by which we can be saved, and who can save to the uttermost. We are assured of his incarnation, death, resurrection, ascension to heaven, where he is at the right hand of God, exalted to be a Prince and a Saviour, and from whence he will come at the great day to judge both the living and the dead. We believe all that he hath himself reported, whether by his own mouth or the mouth of his holy Apostles, concerning his person, nature, perfections, his offices and works. We take him as he is described in Revelation; we change nothing of the Gospel, designedly and knowingly we add nothing; we diminish nothing; but leave everything to stand just as it is in the Word of God*."

Inconsistency of
exclusions
among Protestants.

So long as one Church, setting itself up to be infallible, was predominant, the exclusion of those from the sect of Christians who were not members of it was but the necessary consequence of the principles it maintained. With Protestants the case is different. They form distinct bodies under one federal head, and are bound to admit as members of one great denomination, all those who receive the

* Defence of the Common Rights of Christians; 1738, p. 17; and see also p. 38.

Scripture as the rule of their faith and practice. But Lady Hewley and other Presbyterians are represented as entertaining feelings inconsistent with such a principle. Mr. Wellbeloved's and Dr. Taylor's opinions are supposed to be such as would have been "heard with horror" by them; and it is supposed that those eminent persons would have been excluded, as unworthy of the Christian name, from the early Presbyterian charities. It is not necessary to dispute this by reasoning on the principle of the early Presbyterians, if consistently followed up. The very point was determined at the time. Those who suppose any such restriction must disregard the principle of the declaration of Salters' Hall,—come to by men who had long meditated deeply on the subject, and seen the consequences, who formed the circle in which Lady Hewley moved. They must also neglect the writings of the most eminent Presbyterian divines in order to support their assumption. Whiston, Clarke, Benson and Lardner, Bishop Hare, Milton, Locke and Newton, surely were Christians, and would have been therefore comprehended, and have comprehended others, within the terms of any institution which admitted a general profession of Christianity. If ever there were a doubt in point of law, there can be none after such a general profession has been, by 19 Geo. III., declared fully sufficient.

We have observed that the injustice is not novel of making belief in the doctrine of the Trinity the test of Christianity. Similar objections were used against Calvinists and Socinians, and were thus powerfully answered by John Milton:—

"But the Papist will angrily demand, What! are Lutherans, Calvinists, Anabaptists, *Socinians*, Arminians, no heretics? I answer, all these may have some errors, but are no heretics. Heresy is in the will and choice professedly made against Scripture. Error is against the will, in misunderstanding the Scripture after all sincere endeavours to understand it rightly; hence it was said well by one of the ancients, 'Err I may, but a heretic I

Milton's
opinion as
to such im-
putations.

“ ‘will not be.’ It is a human frailty to err, and no man is
 “ infallible here-upon earth. But so long as all these pro-
 “ feass to set the Word of God only before them as the rule
 “ of faith and obedience, and use all diligence and sincerity
 “ of heart, by reading, by learning, by study, by prayer, for
 “ illumination of the Holy Spirit, to understand the rule
 “ and to obey it, *they have done what man can do.* God
 “ will assuredly pardon them, as he did the friends of Job;
 “ good and pious men, though much mistaken, as there it
 “ appears, in some points of doctrine. But some will say,
 “ with Christians it is otherwise, whom God hath promised
 “ by his Spirit to teach all things. True, all things abso-
 “ lutely necessary to salvation; but the hottest disputes
 “ among Protestants, calmly and charitably inquired into,
 “ will be found less than such. The Lutheran holds con-
 “ substantiation an error, indeed, but not mortal. The
 “ Calvinist is taxed with predestination, and to make God
 “ the author of sin; not with any dishonourable thought
 “ of God, but it may be over zealously asserting his abso-
 “ lute power, not without plea of Scripture. The Anabap-
 “ tist is accused of denying infants their right to baptism:
 “ again, they say they deny nothing but what the Scripture
 “ denies them. The ARIAN and SOCINIAN are charged to
 “ dispute against the Trinity: they affirm to believe the
 “ Father, Son and Holy Ghost, according to Scripture and
 “ the Apostolic Creed. As for terms of Trinity, Tri-unity,
 “ Co-essentiality, Tri-personality, and the like, they reject
 “ them as scholastic notions, not to be found in Scripture,
 “ *which by a general Protestant maxim is plain and perspi-*
 “ *cuous abundantly to explain its own meaning—its own*
 “ *meaning in the properest words belonging to so high a mat-*
 “ *ter, and so necessary to be known.* A mystery, indeed, in
 “ their sophistic subtleties, but in Scripture a plain doc-
 “ trine. Their other opinions are of less moment. They
 “ dispute the satisfaction of Christ, or rather the word
 “ ‘satisfaction,’ as not Scriptural; but they acknowledge
 “ him both God and Saviour. The Arminian, lastly, is
 “ condemned for setting up free-will against free-grace;

"but that imputation he disclaims in all his writings, and
 "grounds himself largely upon Scripture only. It cannot
 "be denied, that the authors or late revivers of all these
 "sects were learned, worthy, zealous and religious men,
 "as appears by their lives; and the same of their many
 "eminent and learned followers, perfect and powerful in
 "the Scriptures, holy and unblameable in their lives; and
 "it cannot be imagined that God would desert such faith-
 "ful and zealous labourers in his church, and oftentimes
 "great sufferers for their conscience, to damnable terrors
 "and a reprobate sense, who had so often implored the
 "assistance of his Spirit; but *rather having made no man*
 "*infallible, that he hath pardoned their errors and accepts*
 "*their pious endeavours, sincerely searching all things ac-*
 "*cording to the rule of Scripture, with such guidance and*
 "*direction as they can obtain of God by prayer.* What
 "Protestant, then, who himself maintains the same prin-
 "ciples, and disavows all implicit faith, would persecute
 "and not rather tolerate, such men as these, *unless he mean*
 "*to abjure the principles of his own religion?* If it be
 "asked, how far they should be tolerated: I answer,
 "doubtless, EQUALLY as being ALL Protestants; that is,
 "on all occasions to give account of their faith, either by
 "arguing, preaching in their several assemblies, public
 "writing, and the freedom of printing*."

Presbyterians are not singular, even in later times, in
 their resistance to the principle of subscriptions, and par-
 ticularly to restrictions upon the general application of
 charitable endowments, which would arise from the im-
 position of tests on the part of persons calling themselves
 Protestant Dissenters. They are also not singular in ex-
 tending to the doctrine of the Trinity itself the license
 asked for by themselves, and which they conceive might
 have been viewed without any feelings of "horror" by even
 such of their ancestors as received that doctrine. We

Robert Ro-
 binson's
 opinion.

* Milton on True Religion, Heresy, Schism and Toleration. First
 published in 1673.

test, as every friend to liberty—full, real and absolute liberty—does, with renewed gratification, to the apostle of the cause among the Baptists, Robert Robinson.

Occasion of
his Letter.

An attempt had been made to impose subscription to a form of doctrine upon all the recipients of a fund, settled in 1718, for the relief of particular Baptist ministers, without any qualification as to peculiar opinions. We shall transcribe some passages of his letter, addressed to a minister in Wales; and the reader will no doubt advert to what he says on the doctrine of "Original Sin," which a recent decision of the Court of Chancery imposes on Dissenters as an essential of belief.

After mentioning that the church at Cambridge, of which he was minister, admitted members on professing to believe Jesus to be the Son of God; and that they consequently held the perfection and sufficiency of the Holy Scriptures, and of course had a variety of human opinions,—he adds, that one of the members, an ancient man, who had been pastor of a church at some distance near forty years, applied to the Particular Baptist Fund for a share of the money, when he was informed that their rules required a confession of faith first. "He, being a *Calvinist Trinitarian*," wrote his creed, and sent it. That would not do: they sent him a copy of a Confession, taken from a little pamphlet, entitled, 'Rules and Orders, &c.' He transcribed this with great reluctance, for he thought it implied an acknowledgement of their right to impose a human creed, and a tacit denial of the perfection of Scripture. However he did transcribe their words, returned the letter, and received five guineas."

He thus proceeds:—"Not to dispute the truth or falsehood of their creed, the question was—whether they in London had any right to offer human opinions to their brethren in the country, who were as competent to judge of the meaning of Scripture as themselves? If they chose to add by their own donations to *Hollis's* capital, they could have no right to confine *his* part to *their* new conditions, but ought to give *that* by *his* rule to Particular

"Baptists undescribed in regard to their notion of the nature of Christ and the Spirit. We observed if this liberty of adding to the words of a doctor were allowed, perhaps future trustees might affirm that there were four or six Divine Persons, and that no one should receive of the Fund unless he believed their affirmation. What security have we that it will not be so? What of their own money they have given since 1775, they have certainly affixed to their own conditions; but this cannot operate on the old Fund. They say, they have a right:—what? A RIGHT TO DO WRONG? NO, THEY CAN HAVE NO RIGHT TO CORRUPT THE GOSPEL EVEN WITH THEIR OWN MONEY. If subscription to human articles of faith be wrong in itself, how can a man make it right by giving money to decoy good men into the practice? I abhor all dominion over conscience, and while these very men are petitioning Parliament to free themselves from subscribing to the civil magistrate, it is with a very ill grace indeed that they presume to domineer over their brethren."

"Will you resign the noblest branch of liberty, liberty of conscience, not to prelates and princes,—they do not ask you,—but to a few plain men like yourselves, having no more learning, no more virtue, no more knowledge and piety than yourselves, and no possible pretence for depriving you of this freedom, except what the donation of two or three poor guineas a-year affords?"

"Was not our Saviour the *finisher* as well as the *author* of our faith? Is not his Gospel perfect, able thoroughly to furnish a man of God without human additions? Hath he condescended to take the tuition of his disciples, and is he not equal to the execution of the undertaking? Have we more than one master? and is not Jesus that one? How is it, then, that our brethren give their comments as of equal authority with his text? Can they read? So can we. Can they think of what they read? So can we. Are they free? So are we. Are they accountable to their master, and not to us? We also are accountable

“to him, not to them. We do not ask whether their creed
 “be true or false, but whether they have any right to
 “impose it upon us. If it be true, it will stand safe without
 “our subscription. If false, will our subscription make it
 “true?

“Our ancestors resisted the tyranny of *Rome*, in spite
 “of all her pomp and power. We have trod in their steps
 “and dissented from a wealthy *Established Church*, be-
 “cause, like the Papal hierarchy, she also oppressed us
 “with human creeds; and now, *shall we suffer four or*
 “*five poor Baptist brethren to put a yoke upon our necks?*
 “Oh God forbid! They are self employed. Neither go-
 “vernment, magistrates or prelates, set them about this
 “work, nor did we ever send to them a petition humbly
 “praying them to make a creed for us. Who then elected
 “and commissioned these men? Are they apostles, and
 “have they any *extraordinary* call? Blessed be God, the
 “ages of fraud and credulity are over, and, having got;
 “by the providence of God, possession of the oracles
 “of God, we are now to judge for *ourselves*, and not
 “to return to infancy, to be carried about with every
 “wind of doctrine, according to the caprice of unforeseen
 “Fundees! We have a sure word in Scripture, but how
 “can we expect successive Fundees to ascertain the same
 “creed? If, then, every word were true and our own faith,
 “we would not subscribe this creed, nor own the authority
 “of Fundees to make one, lest hereafter they should frame
 “another opposite. But what if it should be neither truth
 “nor sense? They say, you shall not receive any benefit from
 “Fund moneys, unless you profess to believe. What? THE
 “DOCTRINE OF ORIGINAL SIN. Why, these are ~~even~~
 “accounts of original evil. Which do the Fundees mean?
 “That of St. Augustine? or that of Soame Jenyns? Nei-
 “ther, but both! THE origin of evil. Ah! why burden
 “Christians with the necessity of deciding a question in me-
 “taphysics? Or, if they must be metaphysicians, why not
 “state their positions clearly? These things tend only to
 “divide, distress, and injure Christians. Instead of engaging

"as to those as brethren, they part us into opposite factions,
 "they inspire us with wicked passions, they teach us to
 "neglect and even to persecute one another, and of all such
 "practices, what will our Sovereign, the sole Lord of con-
 "science, say when he comes."

BUT assuming that we have shown the principle of free and unrestricted inquiry must, in consistency, as the justificatory principle of Protestantism, extend to the doctrine of the Trinity, according to the express determination of the divines at Salters' Hall, the opinion of Bishop Hare, of Milton, and others; and also that non-orthodoxy and non-Christianity are objections which no Protestant who admits the principle of his own professions can urge; it is still contended that the acts, the conduct, and the opinions of the founders are to yield to the state of the law at the time of the foundation; and that the intent must be governed by it. This is an important objection, and it is necessary, in order to answer it, to run over several legal enactments affecting Dissenters.

Supposed limitations of the liberal intent by the state of the law.

By several statutes passed in the reigns of Edward VI. and Queen Elizabeth, general conformity to the worship of the Established Church was required. These, by certain subsequent Acts, have been repealed.

Statutes against Non-conformity under Elizabeth.

After the Restoration, the Act of the 13 and 14 Charles II. cap. 4, was passed, and, according to the preamble, was directed against those who wilfully or schismatically abstain or refuse to come to their parish churches and other public places, where the Common Prayer, administration of the Sacrament, and preaching of the Word of God, is used upon the Sundays. By the 39th section, no person could preach without reading the Thirty-nine Articles and consenting thereto, and to the Book of Common Prayer. By another statute, the 22 Charles II. cap. 1, every person was forbidden to be present at conventicles, meetings, or assemblies, under the pretence of any exercise of religion, in any other manner than according to the Liturgy and practice of the Church of England.

Charles II.

Their effect.

The effect of these Acts was to refuse all toleration to dissent from the Established Church, and so long as they existed, no gift or charitable bequest for any religious purpose, not connected with the Established Church, could be applied in the way the donor might direct.

Provisions and exceptions in Toleration Act.

After the revolution, the 1 W. and M. cap. 18 was passed, and it enacts, that the former Acts requiring attendance at the service of the Church of England, should not be construed to extend to any persons dissenting from the Church of England, who should take the oaths mentioned in the 1 W. and M. cap. 1, (viz. the oaths of allegiance and supremacy, and the declaration against transubstantiation;) and that such person should not be liable to the penalties of the 22 Ch. II. cap. 1. And every person dissenting from the Church of England in holy orders, or pretending to holy orders, and every preacher or teacher of any congregation of dissenting Protestants, who should make and subscribe the declaration aforesaid, (against transubstantiation,) and take the said oaths, and declare his approbation of and subscribe the Thirty-nine Articles, except the 34th, 35th, and 36th, and these words of the 20th, "The Church hath power "to decree rites and ceremonies, and authority in controversies of faith," should be within the benefit of the Act. But the 17th section contains this proviso, "That neither "that Act, nor any clause, article, or thing therein contained, "should extend to or be construed to extend to give any "ease, benefit, or advantage to any Papist or Popish recusant whatsoever, or any person who should deny in his "preaching or writing the doctrine of the blessed Trinity, "as it is declared in the aforesaid articles of religion."

Inconsistent effect.

This Act tolerates Dissenters, and admits the principle many of them held, "that the Church had not authority "in matters of faith," though at the same time, by a singular inconsistency, it requires subscription to certain doctrinal articles. It afforded no relief to those who, in preaching or writing, should deny the doctrine of the Trinity, as it is declared in the *Thirty-nine Articles*, or to those preachers who declined to subscribe certain of those Articles.

By the 9 and 10 William III. cap. 32, it was enacted, that if any person having been educated in, or at any time made profession of, the Christian religion, within this realm, should by writing, printing, teaching, or advised speaking, deny any one of the persons of the Holy Trinity to be God, or should assert or maintain that there are more Gods than one, he should be liable to certain penalties*.

9 and 10
Wm. III.
Blasphemy
Act.

In the wording of this Act, there are two objections which those holding Unitarian tenets might make, as it is a penal Act, requiring a strict construction. 1. That it does not extend to those who, though they do not assent to, do not deny, the doctrine of the Trinity. 2. That there is a sense in which many of such persons allow Jesus to be God. But these objections are not now worth our consideration, because the intent of the Act is plain, whatever evasions might have been successful to avoid its penalties.

Doubts as to
construction.

The subscription required by the Toleration Act we have before observed to have been always very unpalatable, even while there was little doctrinal difference. Long before the decision of 1719, opinion had been ripening to conviction, that creeds and subscriptions could do no good, and often did harm. A Presbyterian minister, before that event, writing to Mr. Peirce, says, "*Some years since*. I thought with pleasure that I had outlived the *creed-making age*, and might be so happy as to see the end of

Subscription
(especially doctrinal)
not liked.

* This Act met with very strong opposition in the House of Commons in the year in which it was passed, two bills were brought in, one after the other. The first went into a Committee after a division of 98 to 84; and its third reading was carried by 95 to 62. The words "having been educated in or at any time made profession of the Christian religion" were proposed to be left out by the Lords. A conference on them was demanded, on the ground that their omission "would subject *Jews* to the pains and penalties of the bill, which would of necessity pain them, and drive them out of the kingdom." The Lords did not insist on the amendment, but the bill was dropped. Another bill was brought in, the second reading of which was carried in the Commons on a division of 134 to 124. The prevalence of doctrines thus attempted to be checked must have been notorious, and it would be affectation to pre-~~sume the contrary~~, even if no other evidence existed than the proceedings of the Legislature.

"the spirit of imposition." The subscription required by the Toleration Act must have become gradually more irksome to the Presbyterians as their opinions more and more varied from the standard of the Articles of the Church of England. But the law on this subject, including the exception of Unitarians from the benefits of the Toleration Act, was practically a dead letter; and to maintain, by reference to them, that the Presbyterians, by the general language of their deeds, meant the opinions to be professed in their chapels to be governed according to an Act of Parliament standard, is historically false; inasmuch as many Presbyterian foundations were notoriously made during the eighteenth century, the founders of which had not the slightest sympathy with the doctrines of the Articles.

Attempts to
get rid of
Subscription.

Under these circumstances the first favourable opportunity was seized to get rid of the legal obligation of subscription, though practically not very burthensome. An Act was obtained, which was thought, and seems on the face of it, to enact the great Protestant principle peculiarly cherished by the Presbyterians.

19 Geo. III.
revoking
Subscription
and
substituting
general de-
claration of
faith.

The 19 Geo. III. cap. 44*, tolerates all those within the scope of the Act of the 1 W. and M., who should take the oaths and subscribe the declaration against Popery, required by the 1 W. and M., and should subscribe the following declaration:

"I, A. B., do solemnly declare in the presence of Al-

* Upon this bill being introduced into the House of Commons, the University of Oxford complained that "it did not require any profession of belief in the fundamental doctrines of Christianity, or even of the authority of the Holy Scriptures, as containing a revelation of the will of God." Their opposition was aided by the Independents, with Dr. Mayo at their head, who stated themselves to be "well satisfied with the present mode of qualification prescribed in the Act of Toleration, from a just conviction in their own consciences, that the Articles of the Church of England, as now by law established, are contained in the Holy Scriptures." It was also insinuated then, as now, and as in 1719, that those who scrupled about doctrinal subscriptions were hardly Christians. The Churchmen in parliament, and even the House of Lords, were more tolerant and liberal than some of the Dissenters out of parliament, who were nevertheless complaining of the Corporation and Test Acts!

"mighty God, that I am a Christian and a Protestant; and,
 "as such, that I believe that the Scriptures of the Old and
 "New Testament, as commonly received among Protestant
 "Churches, do contain the revealed will of God; and that
 "I do receive the same as the rule of my doctrine and faith."

No Arian or Unitarian could object to make this declaration; and he was thus practically and legally safe, unless he could be convicted of directly by overt act impugning the doctrine of the Trinity; for *worship* might legally and safely be conducted upon Unitarian principles, as long as an open attack on the opposite doctrine was avoided.

Unitarians
 thus practically re-
 lieved.

But if this Act did not fully relieve the Unitarian, he was entirely and perfectly relieved from all possible penalties by the 53 Geo. III. cap. 160, which repealed the statutory enactments against the denial of the Trinity, and expressly extended to the Unitarian Dissenters all the protection and privileges of the Toleration Act.

53 Geo. III.
 Trinity Re-
 lief Act.

It has been insisted that the denial of the Trinity was originally an offence at the common law; and therefore that the repeal of the statute, affixing a further penalty upon such denial, has not affected the common law. There is no authority to sanction such a position; and if it had not been again lately alluded to, we should have thought it waste of time to notice it. We fully remember Lord Liverpool's indignant remonstrance with his colleague, Lord Eldon, in one of the debates on the marriage-bill, when the latter threw out one of his significant doubts;—doubts, always mischievous, though they kept their propounder clear of the hazard of committing his professional reputation to their validity. Lord Liverpool then declared it to have been his intention, as a minister and legislator, in conceding the Trinity Repeal Bill, to place Unitarians on precisely the same footing as other Dissenters; and significantly stated to Lord Eldon, who had also been party to the passing of the Act, that if no doubts existed, the throwing them out could only do mischief, and that if they did exist, his Lordship ought to be the first to come forward and remove

Supposed
 common
 law offence.

them. The Unitarians challenged the inquiry, by presenting a petition, praying, if there were any doubts upon the subject, to be heard upon it then by counsel, on the pending bill. The consequence was that in future discussions no more was heard respecting these doubts; and the succeeding Lord Chancellor, Lyndhurst, must be considered as entertaining none; he having warmly supported the agent bill for the relief of Unitarians, in respect of the very opinions supposed to be illegal.

Common
law offences
against
Christi-
anity.

It is an offence at common law to impugn the evidences of the Christian faith; it is no offence to question particular doctrines. In Woolston's case the court said, that "They would not allow it to be debated, whether to write against Christianity *in general* was an offence punishable in the temporal courts at common law. They desired it to be taken notice of, that they laid this stress on the word *general*, and did not intend to include disputes between learned men on particular controverted points." Such they laid down as the state of the law. The 9 and 10 W. III. was then in force, and made the denial of the Trinity criminal. But after its repeal the doctrine to which it related most assuredly became "a controverted point between learned men," within the rule in Woolston's case. Milton, Locke, Bishop Hare, and Newton are surely sufficient protection for the fair canvass of this doctrine, as one which the inquirer may doubt, without passing the bounds of Christianity. The object of the repeal of the Trinity Act is unquestionable. It was to extend the limits of the Toleration Act, and to relieve many conscientious persons from the restrictions which affected the expression of their opinions. What legal determination is there which the Courts would receive as a precedent for the prosecution of an Unitarian? During the time the Presbyterian Church was established by law, the denial of the Trinity was punished; but it was so, not by the aid of the common law, but by an express ordinance of Parliament. To use the words

of Lord Mansfield, in his judgement in Evans's case in the House of Lords, "There never was a single instance, from the Saxons times to our own time, in which a man was ever punished for erroneous opinions concerning rites and modes of worship, but upon some positive law. The common law in England, which is only common reason or usage, knows of no prosecution for mere opinions. For atheism, blasphemy, and reviling the Christian religion, there have been instances of persons being prosecuted and punished upon the common law, but bare nonconformity is no crime by the common law." He who rejects the doctrine of the Trinity cannot be called either an atheist, blasphemer, or reviler of Christianity. The repeal of the 9 and 10 W. was for the purpose of removing civil disabilities. The object of the 19 Geo. III. was the same. In Evans's case Lord C. J. Mansfield held that the Toleration Act had rendered nonconformity "not only innocent but lawful; and that its protecting clauses had put it not merely under the connivance but under the protection of the law: no law established it; for nothing can be plainer than that no law protects nothing in that very respect in which it is at the same time in the eye of the law a crime†." The statute of Toleration, and the 58 Geo. III. c. 160, must be considered as *in pari materia*; and as giving those privileges to nonconformitarians, of which they had been deprived. The 9 and 10 W. III. had revived a temporal jurisdiction over that species of heresy which consisted in opposing the doctrine of the Trinity. "This statute has, however, been repealed, and it is considered that heresy as a civil offence has expired with it." Supposing this to be the case, then the denial of the Trinity, if still a crime at common law, must be so by reason of its falling under the head of blasphemy or profaneness. But the ground upon which such offences are punishable by the temporal courts is their subserviently and tendency to disturb the security of society. And then the language of statutes is to be taken as declaratory

* Per L. C. J. Mansfield, 2 Burn, 218, 3 Merivale, 376 n.

† 3 Merivale, 376 n.

" of the law, by inference only from the expressions contained in them, the statute of the 19 Geo. III. c. 44, " extending the benefits of the Toleration Act to such persons as shall sign ' a declaration of their belief that the " ' Scriptures contain the revealed will of God,' when coupled with the late statute admitting Unitarians to the like " benefit, may be considered as containing the sense of the " legislature upon that which is essential to the security of " the State in matters of religion*." It may finally be added that the orders of the Court of Chancery in *Lady Hewley's* case, requiring the defendants to answer as to their Unitarian opinions, was a judicial decision first of the Vice-Chancellor, and afterwards, on appeal, of the Lord Chancellor, that such opinions would not expose any one to legal penalties, and consequently, that a charity favouring them must be supported.

Former
state of the
law sup-
posed to go-
vern foun-
der's intent.

But it is said that the former state of the law may govern the intent in the case of a religious charity;—that the founder cannot be supposed to have meant to sanction opinions which the law, in his lifetime, prohibited;—that, in short, the intolerance of the law at one period confines the intent after its repeal. But if this be true, and if our courts require, in consequence, subscription to the doctrine of the Trinity, it stops short too soon. The Act of Toleration, of the 1 W. and M. required subscription to all the Articles of the Church of England; except the 24th, 35th, 36th, and part of another. The doctrine of the Trinity is only one of several contested articles, and if subscription to one is necessary, subscription to all is inevitable. The law extended toleration to Dissenters, on condition of subscription. It neither tolerated those who refused to subscribe, nor those who impugned the doctrine of the Trinity. From the penalties of all former Acts, excepting the 9 and 10 W. cap. 32, the 19 Geo. III. relieved not only the Unitarian but all the other non-subscribers of the Articles; and, subsequently, the Unitarian was relieved from the penalties of the 9 and 10

* 3 Merivale's Rep. 385 n.

W. III., and was thus placed in the same condition as other Dissenters.

Those who contend that none who profess Antitrinitarian sentiments can benefit by charities founded while the 9 and 10 W. III. was in force, must also contend that none can benefit by charities founded while the 1 W. and M. cap. 18, was in force, unless they subscribe, and, on the result of minute interrogation, are found strictly and *bonâ fide* to believe and maintain nearly all the Articles of the Church of England. According to the same argument, a Presbyterian foundation of the date of the Commonwealth, would require its possessors to subscribe to the Covenant, if it were lawful to do so. But if the law is allowed to have varied the intent in one case, why should not the law advance instead of restraining it in another? The operation of the rule of looking solely to the former state of the law would apply to schools, which, according to the rule contended for, are, if founded within a certain date, liable to all the oppressive enactments which after many struggles were repealed. But what was gained, if the schools then in existence and supported by trust funds arising from a fixed source, are still left subject to all those regulations which odiously interfered with their management? Can there be no legal schoolmaster of a school founded before the 19 Geo. III. but one who will subscribe the Articles? Was it the intent of their founders that the law should interfere? Is it to be presumed that they who for years violated the law, and struggled for its repeal, entertained so strict and rigorous a regard for its enactments as to desire that they should always govern their charities? If preexisting schools had the benefit of 19 Geo. III. why are other Dissenting charities to have none from that Act and from the 53 Geo. III.? Of what avail was the extension of the privileges and protection of the Toleration Act to Unitarian chapels, if by law there could be none in existence?

There are various questions mixed together in treating of the founder's intent. The first endeavour always must be to ascertain the private or expressed sentiments of the indivi-

The restriction must extend to everything but the strict doctrines of the Church of the time.

Mode of ascertaining the intent, and of refe-

rence to law
for that pur-
pose.

duals establishing the charity. Those sentiments will generally denote the intent where it is otherwise doubtful. They are to be discovered either by the writings of the parties themselves, or by the historical evidence which relates to them. In administering the funds of the charity, the intent must of course be made coincident with the law, or rather the charity must be administered according to law. In this case, it is true, the law will and must sometimes violate the actual intent. But the law is not ascertained in order to oppose the intent, but to carry it into effect as far as the law will admit. If a law repealed is to affect the historical evidence of the intent, in order to limit its operation, the court administers the charity, not by existing laws, but according to the course of some repealed law. The inquiry is then, not what is the law, but what was the law? And why is this inquiry made? From a desire religiously to carry into effect the wishes of those who contended for the principle of freedom of inquiry! But the point in issue, after the intent of the founder is once discovered, is merely to determine whether the trust is against any law now in existence. If the authors of the trust contemplated a variation from the doctrines they themselves professed, without contravening the will of the legislature, are we thence to conclude that these variations were never to be opposed to an early law, if the time should come when they might be sanctioned by one of a late date? The present trustees of certain charities contend that they are acting in accordance to the law as they now find it; that they do not act in defiance of, but agreeably to, its provisions. Whether any of their predecessors were as conscientious as themselves or not, cannot affect the present administration of the trust. They state the views of the founders to have been those of men governed by an unbending wish to promote unrestricted religious inquiry, and they ask whether a court of law can profess to be governed by a desire to advance the founder's intent, if it shall set up the doctrinal Articles of the Church of England, and require implicit consent to them. Either the law must admit the principle

of free inquiry in its full extent, or it must narrow the will of the founders of these religious charities to the orthodoxy of thirty-five and a half of the Articles. Which plan of the two would be most consistent with Lord Northington's observations*—"If the court does not pronounce the intent which the words bear, it does not declare the testator's intent, and acts not with the integrity of a court of justice, but in the narrow spirit of a cloister. . . . It is true, I am sorry for it, that there are old precedents, &c., but I found the equity of this court liberal and impartial,—no respecter of persons,—and, please God, I will leave it so."?

The monstrous injustice of the argument,—in the mouth especially of a Dissenter, and of one professing a religious desire to carry into effect the founder's intent,—is manifest in those numerous cases where the well-known sentiments of the founder were notoriously opposed to the law, and would totally destroy that intent, and divert the charity to persons wholly adverse to the opinions of the founder. Lady Hewley's particular doctrinal sentiments may be considered sufficiently doubtful to prevent any pain to the minds of those who call for the limitation of her bounty to persons of their own creed. But if it be sufficient to say—this is a foundation before 1813, the founder's intent must be supposed to be consistent with the then state of the law, and none but those whose orthodoxy was legal before 1813 can be benefited by it;—then, in many cases, injustice will be practised under colour of law, and such a proceeding will be one of gross immorality and dishonesty, by whomsoever committed.

Injustice of the argument.

To what length, moreover, is this stationary principle to be carried? If the existing state of the law is to be conclusive, the existing state of knowledge, of science and other collateral matters may also, with equal propriety, be called in aid; and the legal circle which surrounded the founder must be a magic boundary, for ever to confine the scope of his bounty. Some instances of the perverse extent to which

Extent to which the principle would go.

* Eden's Reports, 482-7.

the *statu quo* principle might thus be pushed have been put by the Lord Chancellor, in a recent speech in the House of Lords. The case of the Small-Pox Hospital, as a Medical Charity, is one remarkably affected by vicissitudes in science. When founded, inoculation would have been an offence, as the wanton spreading of a pestilent disorder. In a short time, however, the hospital itself became, by inoculation, the dispenser of the disorder. A new change came, and inoculation, which had just been hailed as a beneficent act, was declared to be a common law offence, and was punished. What should we say to him who should propose to direct such a charity by rules to be inferred from the state of knowledge on such subjects in the founder's day, or by the state of the law arising out of it? If, in the progress of theological and biblical knowledge, the Church shall acknowledge the propriety of amending its version of the Scriptures, and in so doing shall discard or alter some of those texts which have been hitherto regarded as tests of orthodoxy, is the old standard to remain the invariable rule on which our Bible-distributing Charities (so far as they are in possession of funds contributed before the change) can alone be administered, according to the state of the law and of biblical knowledge at the time of the original foundation?

Application
to other Dis-
senters and
other cases.

A reference to the former state of the law affects not only Unitarians, but those connected with what are called orthodox foundations. All chapels built before the Toleration Act may at once be taken from those who now hold them. Many others would probably not stand a minute inquiry. The ecclesiastical privileges of every class of Dissenters will be affected, and the title to their property shaken. Alarm may properly be felt by all denominations. Informations may be filed against every minister; tests founded upon a former state of the law may be applied, and the most outrageous inquisition established, in order to obtain possession of funds granted by benevolent persons previous to the existence of the present tolerant laws. We have already observed, that those Presbyterian chapels which were founded by professed Arians and Unitarians during the last century, would all,

under the new system, either pass to other sects or be taken possession of by the crown, to be administered as it should think fit. But if their preaching be still an offence at the common law, then even the Act of 1813 affords no relief; and their charitable foundations are liable to the interposition or seizure of the crown. Are we to believe that this is the state of property in England, devoted to religious purposes or to pious uses? Those engaged in these schemes of confiscation cannot surely have studied religion, or they must be governed by that spirit which was once called religious, whose influence made it dangerous to think on religion, or to doubt the propriety of the doctrinal pretensions of the Church of Rome.

Is the principle now contended for to be applied to academies? Is theological instruction to rest where it did a century ago? If attempts to improve the English version of the Scriptures are to be restrained, *à fortiori* the text itself must be sacred. If Christ's Holy Gospel is the received version, (and the judge can go no further as his test,) are we to teach forgeries because our ancestors would have viewed their rejection "with horror"? Is this a principle which the deservedly admired and respected tutor at Homerton will approve? Does he teach his students to receive "the heavenly witnesses" as part of "Christ's Holy Gospel," because the founders of the institution he is connected with would have witnessed its rejection "with horror"? Does he conceal from them that some of the passages most relied upon as defending the "Gospel" doctrine of the Trinity are abandoned by the learned of all sects;—that a passage, for instance, on which Doddridge expressly states that he principally relied for his rejection of the Antitrinitarian scheme, and which he therefore peculiarly prized, as part of "Christ's Holy Gospel," is without doubt spurious? We know that he is far too much a lover of truth, and too well acquainted with the progress of Scriptural criticism, to hesitate upon such matters. Moreover, have not the trustees of that institution found it expedient, and have they scrupled, to meet the altered views of

Case of
Academical
Institutions.
Homerton.

their denomination by relaxing the strictness of the laws of the foundation? They were not, as in *Lady Hewley's case*, left with a wide discretion; but the founders are understood, as regards one at least of the funds, to have positively directed that to be done which the trustees have determined shall not be done. We allude to the abolition of subscription. Did not the founders show their conviction that subscription was necessary to protect the utility of the institution? Did not the trustees conceive that they were acting on the spirit of their duty by taking and acting upon different views, which experience and further inquiry convinced them were better suited to the realization of the main design? And are the men from whom the more liberal administration has originated, such as the assembly of divines would have recognised as true believers, or have denounced as sheer Arminians?

Highbury.

Is the stationary principle to be the perpetual rule at Highbury? Its principal founder publicly disclaims in newspapers the enforcement of creeds and subscriptions, with which his institution was charged, in answer to the Dissenters' application for access to the Universities. But of what avail is this disavowal? If the doctrine which his counsel are enforcing in the suit in which he is relator be correct, the object will be equally and substantially answered by legal inferences, in spite of his personal disavowals, and of what we therefore know to be his intention. Will the relator of a hundred years hence have anything to do but to make out the founder's creed, and apply that, with all the incidents of the date of foundation, as an irrevocable law for regulating admissions to the benefits of his noble institution? So that, in fact, though subscription may not be required, no one can have the benefit of the charity who does not profess a fixed creed; and this creed the trustees will be told to inquire into, at the peril of dismission from their office.

Other difficulties in the application of this legal

Another difficulty also arises, if those who founded charities are to have their intent governed by the state of the law at the date of the foundation. The declared object of

many trusts is the support of the Protestant religion, and no words expressive of Dissent are employed. Should these charities be brought before the Court of Chancery, and the test is to be subscription of the Articles, what excludes the appropriation of the funds by members of the Established Church, in case subscription is declined? Interference is to take place on the ground that those who are now the beneficiaries of the charity are not willing to assent to the Articles. It then becomes necessary to seek a class whose doctrines approach nearest those of the thirty-five Articles and a fraction. On this principle, not Independents, not Baptists, but those who receive all the Thirty-nine Articles, will surely be entitled to be preferred. Indeed, it may be questionable if it is not the bounden duty of the Court to press such a construction of the trust, if the rule contended for, as arising from a former state of the law, is to be admitted. Should it look for doctrines assimilating to those of the old Presbyterians, it would not be Independents but Churchmen, in whose favour the trusts should be administered. No doubt the intent will thus be violated; and it will equally be violated if other sects than those for whose benefit the charity was established are solely to profit by it. The same injustice might extend to all other religious denominations, as well as Presbyterian, and many sources of extensive charity would be directed in a manner not originally contemplated.

presumption.

What, in any point of view, is the prevailing claim of the Independents in particular? Will they admit, any more than the Presbyterian or Baptist, that the Articles of the Church of England correctly express their religious doctrines, or, rather, that they both do so now, and did so at the date of the Toleration Act, or at the date of their early foundations? If incorrectly or insufficiently, there is an evasion in subscription, and a doubt is cast upon their title to their own endowments; and, if correctly, they certainly did well to abolish subscription to the Assembly's Catechism, or the task of reconciliation might be difficult. They surely will not contend that Presbyterian chapels

Peculiar claim of the Independents.

were founded only to preach therein a licensed creed. Was subscription resisted, and the law petitioned against, to allow only future congregations to dissent from thirty-five Articles and a half, and not to affect by its repeal the existing congregations? What was the offence, what was the ground of complaint, if the Articles were unobjectionable? Ministers of chapels petitioned, congregations applied to the Legislature,—yet the acts of the Legislature, it is said, were not to extend to the petitioners, though made at their request. The absurdity of the whole proceeding is singular, if the representation of it be correct. Certain Dissenters are offended at particular laws; at their request the laws are repealed. Yet the repeal of the law is to assist non-complainants, and its oppressive enactments are still to affect those who induced the Legislature to grant their repeal. The Independents may ask for subscription, and be willing themselves to subscribe. Do they admit Bishop Tomline's sense of the Articles, or what other will they support? In what character will they subscribe? Are they Arminians or Calvinists? They subscribe, and are the former:—they preach, and they are the latter. They are plaintiffs: are they so as Baxterians? What other designation will they claim? What character will they next undertake to personify? They say the Presbyterians are not Baxterians; that their identity is gone, and claim to succeed them. The characteristics of other sects in the lapse of time have changed; will they repeat the same demand in those cases also? The Baptist and the Quaker are exposed to their grasp; every ancient charity is liable to their interference, and may become the prey of their inordinate claims*.

* Mr. Robertson, an Independent minister, in his very able and liberal Pamphlet of remonstrance against the proceedings of his brethren in the Wolverhampton case, entitled, "Religious Liberty, applied to the case of the old Meeting-house, Wolverhampton," (1818,) observes, "The Society at Wolverhampton was once Trinitarian: its first members were Trinitarians: it is now a Unitarian congregation. It has become such through the prevalence of error among its members. No body of Unitarians from another Society has forcibly invaded and taken possession

Religious charities may in general be classed according to three distinct cases. 1. Where some direct test has been imposed. 2. Where some catechism or book of instruction is ordered to be taught. 3. Where no test or catechism whatever is prescribed.

Distinct
Cases of
religious
Charities.

As to the first, there can be no doubt that whenever subscription or assent to articles is required, those only can be entitled to benefit by the charity who make such subscription or express such assent as is imposed on them.

The second case will be more specially noticed hereafter ; but here it may be observed that a great distinction exists between the cases, of a direction to teach a catechism in connexion with a creed or formula of faith, and of a direction given to use a catechism by those who notoriously

Reference
to a Cate-
chism, &c.

" of the place ; but the present profession has sprung up and acquired its
" strength in the original soil, precisely as other errors have predominated
" in places once pure in profession. Antinomianism in like manner has
" changed the face of many religious societies ; and Antinomianism is
" surely an error of the worst kind. Is the latter to be cured by either
" attaching illegality to the persons who profess it, or by expelling them
" from the situations in which another doctrine was once maintained,
" that is now subverted by their anti-evangelical creed ? Every person
" acquainted with the writings of the Nonconformist divines knows, that
" many of them entertained the strongest possible aversion to Arminian-
" ism, against which they manifested the greatest hostility, classing it with
" Arianism, Socinianism, Deism, and even Atheism. Not a doubt can
" be felt respecting their opposition to the introduction of Arminian sen-
" timents into the congregations of which they were the pastors, and, in
" connexion with others, the founders. But if, in any particular case, it
" should be proved, as it is believed it easily might, that the minister and
" congregation who have succeeded *seriatim* these professors of high Cal-
" vinism are, in sentiment, more nearly allied to the Arminianism which
" their predecessors abhorred, than to the rigid Calvinism which they
" avowed ; will it be contended they ought to be expelled by a legal
" interference from the place which they occupy ? I COULD REFER TO
" SEVERAL CASES OF UNQUESTIONABLE DEVIATION IN RELIGIOUS OPI-
" NIONS, IN THE PRESENT OCCUPANTS OF MEETING-HOUSES, PROFESSORS
" OF EVANGELICAL PRINCIPLES, FROM THE TENETS ASSERTED BY THE
" ORIGINAL WORSHIPERS ; AND THESE SOCIETIES, ACCORDING TO THE
" DOCTRINE OF NINE MINISTERS, ARE TO BE EJECTED ON ACCOUNT OF
" THESE DIFFERENCES ! WHAT BECOMES, THEN, OF RELIGIOUS FREE-
" DOM ? "

objected to any fixed creed or formulas, and with whom therefore the selection might be quite accidental, either as being considered the best then published, or as the most popular among particular persons, and therefore suited to the object of general instruction,—but without any approval of the compilation as a creed;—of desire to hold it forth as a standard of the founder's faith, or of imposing it as such on others*.

Inconveniences attending no test or rule.

The third case has been anticipated in our preceding remarks; and we have contended that the general declaration of assent to the truth of the Scriptures is amply sufficient to cover the requisites of such a foundation; and that its spirit is utterly repugnant to all attempts to frame a specific creed, as a restraint upon the right of the congregation to judge for themselves. It is not denied that the case of a charity of this sort is one liable to be attended with practical difficulties. "Every man is obliged, and has a right, to judge for himself in religious matters. It cannot, indeed, be pretended but that this may, in some cases, have its inconveniences; and what is there which is not liable to the same objection?†" A congregation may become divided by a change of opinion among themselves, or of the minister; and this undoubtedly is an evil of some extent. But it presses on all forms of Dissent, and is the argument relied on in favour of Establishments and of the interference of the State in ecclesiastical matters. If all religious teachers are conscientiously and seriously desirous, not of supporting a given set of doctrines, but of ascertaining what doctrines ought to be supported, there is no voluntary church against which this same objection may not be taken. A teacher of the Established Church has no discretion: he must pursue one continual course of conformity to certain doctrinal articles. It is not so with those who have no fixed test of belief. A member of a religious congregation professing the right of free inquiry

* See before, (page 44,) the quotation from the "Vindication" of the Ministers in 1719.

† Calamy's Life, vol. i. p. 255.

has no just cause of complaint against his associates, if a change of doctrine among them occurs. He is one of a voluntary society, formed upon terms fully understood; prepared from the moment of its formation to meet all the inconveniences which the principles it professes may create*. The possibility of separation is necessarily contemplated at the very time of association. "Where an institution," said Lord Eldon †, "exists for the purpose of religious worship, and it cannot be discovered from the deed declaring the trust what form of religious worship was intended, the Court can find no other means of deciding the question than through the medium of an inquiry into what has been the usage of the congregation in respect of it; and if the usage turns out upon inquiry to be such as can be supported, I take it to be the duty of the Court to administer the trust in such manner as best to establish the usage, *considering it as a matter of implied contract between the members of the congregation.* But if, on the other hand, it turns out that the institution was established for the *express* purpose of *such form of religious worship*, or the teachings of *such particular doctrines*, as the founder has thought most conformable to the principles of the Christian religion, I do not apprehend that it is in the power of individuals, having the management of that institution, at any time to alter the purpose for which it was founded."

We agree that if an institution be formed for the *express* purpose of advancing particular doctrines, or supporting a particular form of religious worship, little difficulty can arise in its administration. The intent of the founder is

Facility of carrying Presbyterian charities into effect.

* The earliest Presbyterian Church provided in its Articles of Discipline, that in case of dispute between office-bearers and the people, the congregation should be assembled, and that which they or the major part of them should judge or decree, the same should be a lawful decree or ordinance, of sufficient force to bind the whole congregation and any member of the same.—Discourse on the Troubles of Franckfort, printed in the *Phoenix*, ii. 136, 137, and quoted by Orme, in his *Life of Owen*, page 201.

† 3 Merivale, 400.

plain, and, if it be not improper, ought to be carried into effect. But we contend, on the same ground, that if the deed of trust declare no precise form of worship or doctrines, and the administration of the institution may be left to usage, there is nothing in the law to oppose Presbyterian charities acting upon the principle already stated; and that the principle is, in fact, the only one really consistent with the true basis of Protestant Dissent. An implied contract exists, sanctioned by usage, that alteration and change of doctrine may take place, regulated by the governing body. If the congregation elect the preacher, by it the change must be approved,—if the trustees, by them. The possibility of abuse exists in all cases, and its occurrence must be checked by those most interested in preventing it. In Presbyterian congregations, a majority generally determines the choice of the minister; and looking at the practice in those societies for more than a century, their constitution and the exercise of their power have been accompanied with no mischievous results. In some cases division, followed by secession, has occurred. The instances are not very frequent, the influence of a majority being generally too strong to make ill-will perpetual. The language of Lord Eldon does not oppose the principle of such charities; and there is no case in the books at all restrictive of it.

The principle applies to change in an orthodox direction.

On selfish principles those calling themselves orthodox may be reconciled to the application of the liberal principle by the recollection that it is equally applicable to the appropriation of such endowments to the contrary system of opinions, if the progress of inquiry should lead the Presbyterians in the next century in an inverse direction to that of their course during the past. He who now avows what are called Unitarian opinions, leaves the succeeding congregation to the same freedom which his ancestors enjoyed; and if the Independent's views be the truth, and his confidence in it be strong, the reversion that awaits him will be a compensation for the temporary evil. Who is it that shows his trust in the final power of the truths of the Go-

spel,—in the triumphs of pure and primitive Christianity,—he who fences it round with creeds and subscriptions, or he who erects his house of devotion, and leaves the worshipers therein free to follow their unbiassed convictions?

A case of what may be called reciprocity in the action of the principle we are contending for is now before us. The chapel in question was built by persons holding Unitarian opinions, and was vested in trustees entertaining the same. The congregation and the minister became Trinitarians, and the trustee filled up the trust with the names of persons of Trinitarian opinions, and left the property for the use of the majority; thus fully acting according to the Presbyterian principle. It has been generally in this way that the alleged departure from the doctrines of founders has taken place. The trustees have rarely had any power to interfere; and the congregations, having chosen ministers who agreed in their professions of belief, were not opposed by them.

Case of reciprocity.

We have seen that, in the attempts now made by the Independents to obtain the possession of Presbyterian charities, and to change their present destination, it is pretended that, by confining their advantages to certain sects or opinions, the intent of the founders will be advanced. That they were not instituted by Independents is admitted; that they were not instituted to propagate fixed doctrines is also admitted: but they were, it is said, instituted to advance doctrines not Antitrinitarian, and the use of them by Unitarians is a violation of the intent. Whatever opinions the Presbyterians have adopted can be ascribed to no desire of personal or temporal objects. To preserve their chapels and property, motives are now set up to check, if possible, the conscientious expression of belief. Hitherto no such motives have existed; and we believe that the founders intended none such should exist. No anxiety of worldly gain, but the love only of pursuing the truth has prevailed. The natural result of this is now held forth as constituting an offence. That there are among the Independents persons of high and distinguished excellences,

Recent pretences of restoring the founder's intent.

far above all sordid views and actuated by correct motives, there can be no doubt. But there are those who seem bent on forcing on others the reception of the doctrines they themselves hold. The chapels and possessions they seek to obtain are not theirs, and never belonged to any person connected with their denomination. They are the foundations and the offerings of Presbyterians, purchased chiefly by the ancestors of the very individuals now sought to be ejected. They are possessed in trust by those who point to the burial-grounds of their predecessors and ancestors, of their families and relatives, and ask why the memorials of their dead are to be taken from them? Why ground consecrated by the piety of children is to be occupied by the stranger? Why feelings of affection and love are to be thus outraged? They turn to their chapel registers, and trace a long line of entries, records of domestic events, notices of their remote ancestors and their immediate parents. They look at the deeds of endowment, and still the same names appear. They are ignorant of any guilt or of any criminal act, and ask why this severe penalty of expulsion and removal is to be inflicted upon them? Is the pursuit of truth so dangerous, has it been so prejudicial, that this mighty sacrifice is to be made? The present possessors are not aware when the changes made in the doctrines of those who preceded them occurred; they have endeavoured to ascertain whether those changes were correct, and their inquiries have satisfied them they were. They had been educated with strong feelings of responsibility, and of the necessity of inquiry; and that the expression of their belief was the highest moral duty, both in its connexion with religious as well as civil actions. They now find this converted into a crime, — a crime against those whose precepts and whose injunctions to inquire, and to avow the result of their inquiries, have been their earliest lessons; — and thus what they have thought a duty, is to be penal in its performance. What evidence more strong could they require to confirm the rectitude of their own proceedings, than the conduct of those by whom

they were instructed,—their historical and domestic traditions? Their families were sufferers and Nonconformists; their most eminent teachers were descendants of those who were persecuted for their belief; every association taught them that they were but following the footsteps of those whose names they revered and of whom they are descendants. Cruel infliction, to make religion an instrument of their annoyance, to make it productive of painful and bitter feelings, to invoke in its aid—not charity—but persecution!

In the discussions which have taken place on these subjects, much has been said of the *name* of Presbyterian being improperly used,—of its having now little or nothing of its original or etymological sense. It has also been urged that the exclusively proper appellation of the body of persons now claiming this title is Unitarian; and that the Presbyterian name is now retained or assumed by Unitarians, after it has lost its proper and original signification, merely for the purpose of giving a colour of title to the possession of the old Presbyterian endowments.

Verbal controversies about the Presbyterian name.

Our observations, and a consideration of the history and character of the body called Presbyterian, fully expose the incorrectness and inconclusiveness of these assertions. If the sense in which the term can now be used is but a secondary and artificial one, so it was also when the founders of Presbyterian churches, after the Act of Uniformity, first used it. The adaptation is no modern act, and arises out of no design. There has been, and there is now, variety of opinion among the persons so called; but it remains to be shown that this variety of opinion is any violation of the founders' object. On the contrary, it may be, and we trust we show that it was originally and is now, the legitimate consequence of the very principles entertained by the founders. The change that has occurred has been gradual and successive. There is no period from the beginning of the last century to the present, at which any particular set of doctrines were professed as generally and permanently Presbyterian. If there is one standard, there

Title always used in secondary sense.

are half a dozen. Which race or which class of professors is to dictate to the rest of the Church? In the words employed by a writer on the subject some years ago, "Whose wife is she of the seven, for the seven had her to wife?"

Name not
contradictory
of any
doctrinal
opinions.

As little sense or propriety is there in setting the term Unitarian, or any other profession of doctrine, in opposition to that of Presbyterian. Doctrinal appellations have been of late more usual than those supposed to refer to forms of church government and discipline, about which the world now cares comparatively little. The extension of direct toleration to Unitarians had the natural consequence of assisting to give currency to a doctrinal designation. The greater number of Presbyterian congregations are certainly now, as regards the opinions of their members, Unitarian; so once they were Calvinist, afterwards Baxterian, afterwards Arian—and they may again be either or all. It may in some sense, from the strictness of adherence to creed, be considered almost the same thing in this country to speak of an Independent and a Calvinist, because the Independent churches require their members so to be; but, in fact, the same person may be both or either. The term Unitarian requires at least additional terms to discover exactly the class of persons to which it belongs, even among actual professors of Unitarianism in England. We have Unitarian Presbyterians, Unitarian Baptists, and proper Unitarian congregations of modern foundation, which may perhaps be called Independents as properly as any others. And in like manner we have Presbyterian Calvinists, Presbyterian Arians, and Presbyterian Unitarians. In America all the Unitarian churches are avowedly and distinctively Independents. Will the persons who say they have proved any person not to be a Unitarian because he is a Presbyterian, show why any one would be improperly called a Presbyterian, an Independent, or a Methodist, or a Baptist, because he is a Calvinist? And are those the fittest persons to wrangle about the precise meaning of a term, (the application of which, in practice, is well known,) who persist in calling these very Unitarians Socinians, when they know that

the term Socinian with no original aptitude belongs to them.

But all this branch of the discussion is in fact a jargon of words and sophistry. The real and only question is, whether a body of men who, by the exercise of the right of private judgement, first seceded from the Church, and have since relinquished their own original standard of faith, as well as the institutions from which they derive their name, ever imposed,—whether it could have been consistent with their principles and practice to impose,—restrictions upon the successive members of their congregations, in order to prevent their acting according to the light afforded them and the dictates of their conscience ;—whether they could mean, as a penalty for varying from their sentiments, to consign over their endowments to those from whose principle of action they most widely differed, and to annihilate that liberty for which they conscientiously strove ?

Dispute
verbal.

Presbyterianism, as the denomination has been used in England from the origin of Nonconformity, has no reference to the existence or the want of a government by classes or synods ; nor yet does it imply the profession of the creed of the Assembly of Divines, or any other ; but refers only to the doctrine of the equality of all Christian ministers, as differing from Episcopacy, and to a different plan of conducting church affairs from that adopted by the Independents. Although the actual conduct of church affairs among the Presbyterians has undergone considerable alteration, it now differs even *much more decidedly* than it did at first from that of the Independents. There is no probability, from any present resemblance in the constitution of the churches, of the sects being confounded ; whilst the want of doctrinal uniformity among the Presbyterians has been alone sufficient to maintain the distinction between them and other societies or sects which endeavour to secure a fixed standard of faith. The doctrine of the right and duty of individual judgement in matters of religion, with practical freedom from all restraints on inquiry or attempts to exercise control in such affairs are, and have

Acceptation
of the term
Presbyte-
rian.

for much more than a century been, the real characteristics of English Presbyterianism. A Presbyterian may be a Trinitarian, or an Arian, or an Humanitarian, a Calvinist or an Arminian, reputedly Orthodox or Unitarian. *He is not a person bound by any "stinted" creed.* He offers as his creed the Scriptures only; and will admit of no interference with the free exercise of his judgement. Such is the English Presbyterian.

Contest is really a religious one.

The contest is purely religious. It is a movement for the most part arising out of the true *odium theologicum*; an attempt to fight over again the battle of 1719, under the singular pretext of carrying into effect the intent of the persons who then solemnly decided against religious restrictions. It turns entirely upon this consideration,—whether the principle, so often mentioned, of free inquiry, can extend to the doctrines in question. The petty warfare about forms of discipline and government, ordination, &c., is obviously useless. The Irish Presbyterians, who have adhered to all the old forms of discipline, have not on that account escaped persecution; and it is obvious that adherence to such forms would not have protected their English brethren.

Chancery jurisdiction as to belief.

The Court of Chancery, in order to aid its determination in Lady Hewley's case, which involves the questions we have considered, has, by a remarkable process, called upon the defendants to state upon oath the *special mode* of their belief, and, in imitating the High Commission Court, has established a precedent which, if not dangerous, is odious and offensive.

Consequence of acting on the Court's principles.

Assuming the jurisdiction to have been properly exercised, what are the circumstances and principles upon which property founded by Presbyterians, and possessed in regular and undisturbed succession by their descendants and successors, is to be transferred to Independents?

If, because the Presbyterians have varied in the profession of their religious doctrines, the Court determines that the Independents may benefit by certain charities, though they do not entertain all the doctrines of the founders,—

that opposition to those doctrines by a Presbyterian is objectionable, by an Independent uncensurable,—and that in one case they are a standard for disqualification, and in the other no standard for qualification. If the Court is of opinion that the principle of free inquiry in the interpretation of the Scriptures ought to be limited;—then, (omitting the consideration of the importance of avoiding such a determination upon the great justificatory maxim of Protestant Dissent,) it sets up its authority on the mode in which certain doctrines of Christianity are to be professed, and the opinion of the judge becomes, not simply a decision between contending parties, but between all learned divines; and it pronounces what are fundamentals of Christianity.

If, simply because a deviation from the religious professions of the early Presbyterians has occurred, the Court determines that the principle of free inquiry justifies dissent in the first instance, but that the principle is not again to be exercised, however erroneous the doctrines first entertained may appear. If, because the doctrine of the Trinity is rejected, it determines, notwithstanding the 19th Geo. III., that the fundamentals of Christianity include that doctrine, and that they who, after a dispassionate consideration, should reject it, are pursuing a course of error, though the legislature considered a general declaration of belief in Scripture a sufficient test of Christian faith,—in this the Court acts purely as a judge of theological questions. Before therefore it decides, it would necessarily be compelled to hear the arguments with which the doctrine is incumbered. Justification of dissent must be understood, before it can be said to be bad. “The terms ‘person’ and ‘nature’ may be employed in propositions bearing ninety different senses, and there may be ninety subscribers, and no two agree*.” A doctrine to which importance is attached should at least be declared in distinct expressions before belief in it is required.

Court must judge theological controversies.

It has been shown by historical evidence what were the Present practical

* Mordecai's Letters: Letter I. p. 74, Second Edition.



cases of legal
controversy.

opinions and sentiments of the Presbyterian body at the beginning of the 18th century. From this source, the intent, which it may be presumed should govern their religious charitable foundations, has been traced. The limits which the law imposed upon that intent have been stated, and also the change which those limits may be considered to have undergone by certain alterations in the law. And we have also examined the difficulties to which any judge is exposed who shall endeavour to control the operation of the principle of freedom of inquiry, which the Presbyterians have at all times maintained.

We now proceed to review the cases in which these subjects have been discussed in the Court of Chancery:

Wolver-
hampton
case.

The first case in which considerations of this kind were judicially discussed, was in an information filed in 1818 against the Trustees of a chapel at Wolverhampton. The trust was created in the year 1701, and was for the support of "a meeting-house for the service and worship of God." It was a Presbyterian foundation, and was characterized as others of the sort are. It was provided, that if the worship and service of God should be prohibited by law, and the meeting-house should thereby become useless, the Trustees might sell the same, and dispose of the proceeds to such charitable uses as they might direct, or convert the chapel into an hospital for poor people. There were also other trusts connected with it, arising from endowments and donations, made subsequently to the date of the original trust. And there were some trusts coincident in date with avowed declarations of Unitarian opinions; being created on the occasion of the choice of a minister of Unitarian opinions, and as a provision for his ministry. The congregation regulated all matters of faith, doctrine and discipline; the power of the Trustees was merely administrative. Similar changes of doctrine had taken place in this as in other Presbyterian chapels, and Trinitarian doctrines were not preached in it for many years previous to the happening, in the year 1818, of a vacancy in the office of minister. In this year the congregation and the Trustees invited the Rev.

John Steward to officiate as minister; he professing at the time Unitarian doctrines. The invitation was limited to a term of three years, and with that limitation it was accepted. Mr. Steward changed his sentiments, and preached Trinitarian doctrines. The congregation were dissatisfied with his conduct, and called upon him to resign. What other course could he have followed, acting consistently or honourably, than to have done so? His sentiments were part of the condition of his appointment,—his recommendation. He was permitted to officiate during the term of three years, and when again called upon at the end of that time to retire, refused. An information was filed in the Court of Chancery by a person who had many years before seceded from the congregation, to quiet Mr. Steward in his possession, and necessarily evict the whole body of worshipers by whom he was chosen; to obtain an injunction against the Trustees, and for other purposes. Minutes of an order were pronounced by Lord Eldon to restrain the defendants from legal proceedings, and references were made by him to one of the Masters of the Court respecting the moneys and funds in the hands of the Trustees, and the particulars of the agreement made on the appointment of Mr. Steward, and to inquire “what was the nature and particular object (with respect to worship and doctrine,) for the observance, teaching, and support of which each and every of the charitable funds and estates, respectively, were or was created or raised.” No order was drawn up, to the cause was afterwards set down for hearing, and a decree to the same effect was taken, but it was never prosecuted. So that no specific decision was, in this case, pronounced upon the questions since raised in Lady Hewley’s case.

Mr. Steward had entered upon his office under a special stipulation with the congregation and Trustees, and then endeavoured, with certain Independent ministers, to seize the property and expel the congregation. They employed the same arguments as have been lately advanced in Lady Hewley’s case, and under similar circumstances. No specification of belief is contained in the trust deeds, nor is any special

Arguments
then used.

doctrine or form of worship required by them. The first occupants had received the Bible, and the Bible only, as the foundation of their religion, and to it only they looked, as containing the expression of their faith. The chapel was devoted to the worship of God, and for that purpose it was used. The founders had prescribed no doctrines; their actual personal belief was a matter of some uncertainty, though the strong probability is, that they professed the modified doctrinal opinions which then generally characterized the English Presbyterians. A great part of the pecuniary endowment was clearly made after decided manifestations of Unitarianism. There was a dishonourable breach of faith in forcibly imposing on the congregation tenets which they did not approve. If Mr. Steward was convinced he was in error, he should have pointed it out to his congregation, and have endeavoured to convince them. If he failed, it was his duty to retire. Instead of adopting this upright course, he joined with other persons, more designing than himself, and charged the Trustees and the congregation with the commission of a penal offence, denying that he himself, upon his appointment, or they previously, had been occupied in the worship of God. He had no interest in the property but that arising from a limited contract, on the expiration of which the congregation possessed the power of again making an appointment. Resistance to a new appointment was made; an invasion of the privileges of the congregation took place, and the Presbyterians were to be ousted. A new sect stepped in who fanned the unfortunate difference between the minister and the congregation into a flame, and under the pretence of care for the doctrines of the Gospel, commenced inquiries into the belief of those to whom they opposed themselves, and called upon the Court of Chancery to interpose and silence what they termed a heresy.

Result.

This case excited a considerable sensation at the time. It was publicly advertised by a body of Independent ministers as a "valuable precedent", and subscriptions were solicited to further it. The design, however, seems then to have met

with no very general favour. Many hesitated at its morality, such as Protestant Dissenters, doubted the consistency of taking advantage of a change in religious opinions, to turn any persons out of property to which the founders affixed no restrictions, and which, at any rate, was never theirs*.

11. While in these observations we have been led to express freely our opinions on the proceedings of the attacking body, it is due to others to record one striking instance among the community to which they belong, of indignant disavowal and eloquent rebuke of such proceedings, as inconsistent with the plain principles of religious liberty, and particularly with the profession of Protestant Dissenters. We allude to the pamphlet of the Rev. James Robertson, an Independent minister, which has before been referred to in a note.

Proceedings disavowed by some.

Mr. Robertson's indignation was particularly and justly excited at the spectacle, then and since exhibited, of Protestant Dissenting ministers urging on appeals to Courts of justice on the strength of persecuting laws, in order to discredit their opponents in the eyes of tribunals already naturally disinclined to them, and for the purpose of procuring the confiscation of property subscribed for and belonging to persons not long escaped from persecution.

Mr. Robertson.

It was then professed that no such use of these laws was intended; and that they were only referred to as extrinsic circumstances of evidence, indicating the founder's intent. Mr. Robertson powerfully exposed the fallacy of this assertion, and indeed it is difficult to see how it could help the

Discussion as to the arguments used.

* "Till the professors of Christianity obtained possession of secular power, or became the objects of its patronage, they never thought of compulsory measures for promoting the faith, or restraining the religion, of others. The renunciation of all dependence on civil authority in matters of religion, and of all connexion with temporal governments, forms an essential part of consistent independency; the abandonment of everything like force for promoting or preserving the interests of the Gospel follows as matter of course. . . . A persecuting Independent is a monster, because he is acting in opposition to the life and glory of his own system."—*Orme's Life of Owen*, p. 80.

parties out of the dilemma in which recourse to such weapons involved them. The case then under consideration was one in which, as to part at least, the fund could only be taken away by an application of the legal presumption arising from the state of the law in 1783; by which the donors are presumed to have favoured what is called an orthodox ministry, though it is notorious that they themselves were then electing a Unitarian minister. The law, instead of being used in explanation of the founder's intent, was turned directly in opposition to it.

Improper
use of such
weapons by
Dissenters.

The employment, by a Dissenter, of the machinery of persecuting laws, to affect the position of his fellow-nonconformist, can by no sophistry be palliated. It has no parallel but in laws, now justly execrated as infamous.

Extracts
from Mr.
Robertson.

Mr. Robertson's observations are so pertinent and forcible, and bear such ample testimony to our interpretation of the proper principles of Protestant Dissent,—independently of all particular usage among English Presbyterians,—that we shall make no apology for extracting some of the leading passages.

Supposed
necessity of
checks on
error.

He meets, as the early Presbyterians did, the old objection to the rejection of creeds; and comments on the supposed necessity of checks and precautions against error.

“Are not *moral means*, which are the only proper means for religionists to use in support of their principles and practice, the same to all, equally accessible to Trinitarians and Unitarians? If the former can preach, so can the latter. If the one can write and publish, so can the other. Nothing can be more evident than that moral means are the same to all parties, the only difference which it is possible to consider as existing between them being the essential difference of truth from error.

“‘Give *advantages* to the cause of Christ,’—and what *advantages* would they give it? They would have it placed under the protection of secular Courts; they would have themselves as its friends, to walk abroad and breathe at large under the guardian care of the laws of England;

"and they would have impugnors of the doctrine of the Trinity, and 'such as have removed to the greatest distances from the truth,' (of which deviation they must to be sure be the judges,) made indictable at common law. These are their *advantages*."

"Political checks, then, are the restraints which it seems are to be used, and political provisions the advantages to be given to a particular religious profession. And in what part of the New Testament are such means prescribed for the support of Christ's cause? Moral means are the only ones which he has appointed, political checks and advantages he has forbidden; they are not for his service. If religious societies run into error, they must be reclaimed, and their disorders cured, by means widely different from those which my misguided opponents have taken under their direction. 'Remember whence thou art fallen, and repent, and do the first works.' The application of intolerant laws 'is no way that God has appointed to inform the judgements of men, or alter their way of thinking.' Arguments founded in truth, and addressed to the understanding of the fallen, are the only means which we can use for their recovery, and if these, accompanied by our prayers and our tears, fail to convince and to reclaim, we have exhausted the means of restoration, and must leave our erring brother to abide the trial of that day, when his adherence to the opinions from which we have thus sought to turn him will be impartially and correctly estimated, by the only tribunal competent to pronounce its character, as an attachment to truth, or a culpable pertinacity of error."

"Did these ministers learn to write in this manner about 'checks and precautions to hinder religious societies from running into error,' from their own observation of the efficacy of the common law to preserve religion in its purity; or from their historical knowledge of the prevention of error, by the application of human laws to the subject of religion? They must have been singularly fortunate, indeed, in their connexions and in their read-

“ing to be able to derive from any *memoranda* in their
 “possession, the conclusion that political ‘checks and pre-
 “cautions’ are the proper means to prevent religious soci-
 “eties from running into error. Other persons would most
 “probably infer that they might produce a very different
 “effect, as they are persuaded from the historical docu-
 “ments of all ages that secular power has provided ‘checks
 “and precautions’, in regard to religion, only to corrupt
 “and ruin it in all its interests.”

No particu-
 lar doctrine
 required to
 satisfy the
 founder's
 intent.

Mr. Robertson then forcibly puts the true principle of construction which should be applied to cases where the founder has prescribed no exclusive system.

“If the patrons of this case had gone into Court with a
 “trust deed, which specifies Calvinistic Trinitarians as the
 “class of religious professors to be held as sole and exclu-
 “sively occupiers of the Meeting-House and its appen-
 “dages, and with testamentary bequests devised specifically
 “for the support of religious worship among Calvinistic
 “Trinitarians, their case had been very different from what
 “in reality it is. They have no such specific deeds. The
 “only description of religious professors included in the
 “trust deeds is that of ‘Protestant Dissenters’; they define
 “the use to be ‘for the worship and service of God’ and
 “for ‘Protestant Dissenters’. As the deed, therefore,
 “which creates and constitutes a trust, defines and limits
 “the objects of the trust, there is, on the face of the deeds,
 “neither alienation nor abuse; the place being used for
 “‘the worship of God’ by ‘Protestant Dissenters’. ‘A
 “‘stern, inflexible support of the cause of justice’ might
 “therefore be satisfied so long as ‘Protestant Dissenters’
 “are in possession of the place.

Effect of
 clause re-
 ferring to
 Toleration
 Act.

“Those deeds, it is said, and with truth certainly, con-
 “tain a provision for the application of the trust in case
 “‘the Act of the 1st of William and Mary, commonly
 “‘called the Toleration Act, should be repealed, and the
 “‘congregation or society of Dissenting Protestants should
 “‘by law be prohibited to assemble or meet together for
 “‘the service and worship of God.’ This clause is per-

“fectly intelligible and consistent with the representation
 “above given. The first occupants of the place,—admit-
 “ting the principle, the only one tenable by Protestant
 “Dissenters, that the Bible alone is the standard of reli-
 “gious doctrine, and acting upon it themselves,—might
 “intend that their successors should exercise the same
 “right. They have not provided a creed to be subscribed;
 “they have not specified any tenets to be professed; they
 “have included in their deed no other title or description
 “of persons than Protestant Dissenters; no other direction
 “as to its use than for the worship and service of God.
 “But as the repeal of the Toleration Act, and the prohibi-
 “tion by law of Dissenters from assembling together for
 “worship, would necessarily be followed by the total alie-
 “nation of the property, or at least would place it in a state
 “of indefinite and insecure possession, they properly pro-
 “vided, that when religious professors of Protestant Dis-
 “senting principles should be hindered by the civil autho-
 “rity from meeting together for worship, the property
 “should go to other uses.

“They have not said—when Trinitarianism shall be
 “no longer allowed; nor have they said—when Trini-
 “tarians shall be hindered from meeting; but they have
 “made choice of the words ‘Protestant Dissenters’. And
 “while such persons are the occupants, and the place is
 “used for religious worship, who that understands the
 “nature of religious liberty, and respects the rights of con-
 “science, would attempt to expel them?

“It is quite sufficient—for the purpose of showing, in the
 “most satisfactory manner, that the construction now given
 “of the clause inserted in the deed of trust, while it is the
 “only construction that can be maintained consistently
 “with the principles of religious liberty, may have been the
 “only construction in the minds of the original parties—
 “that if the excluding clause of the Toleration Act of 1st
 “of William and Mary, cap. 18, which exempts persons im-
 “pugning the doctrine of the Trinity from the benefits of
 “its provisions, had not been inserted in that Act,—if no ex-

"caption of this kind had been made,—still the clause in
 "question of the trust deed, which provides that the pro-
 "perty shall go to other uses in case the Act of Toleration
 "should be repealed, might have been inserted precisely
 "as it now exists. The only evidence which this clause
 "supplies is, that the persons who inserted it in the deed
 "had still in their remembrance (how could they indeed
 "ever forget them?) the prohibitions and proscriptions of
 "the preceding times, the suppression of all opinion and
 "worship apart from those of the Established Church.
 "The times were too unsettled to permit them to indulge
 "the expectation of continuing to enjoy their rights as se-
 "paratists without disturbance. The exiled Stuarts had
 "then the hope of another restoration to power in Britain;
 "and the consequences of their return, it was well appre-
 "hended, would include the putting down of Nonconform-
 "ist worship, and the alienation of all property in the
 "possession of Dissenting Congregations. The clause
 "was intended to provide for such a disastrous event,
 "which, in the minds of our fathers, was constantly as-
 "sociated with the fears of renewed outrages and suf-
 "ferings; and had no reference, I am fully persuaded, to
 "doctrines of any kind. I should indeed much ques-
 "tion whether the authors of the clause were at the time
 "in the recollection that the Toleration Act contained the
 "exemption under notice. I have known some sensible
 "Dissenters, not unacquainted either with their own princi-
 "ples or the history of their cause, who were not apprised
 "of the existence of the excepting clause. Nor is this sur-
 "prising. It was overlooked even by Locke himself."

True Pro-
 testant Dis-
 senting
 principle
 inconsistent
 with such
 restraints.

"What is the principle of Protestant Dissenters, of
 "Christians understanding and complying with the requi-
 "sitions of the will of God? That the Bible is the sole
 "rule of faith, the whole religion of Protestants. As this
 "is the common property of all persons acknowledging the
 "authority of Revelation, every one must be his own judge
 "of its messages and its obligations, and must form his
 "own conclusions as to the practice which it requires him

“to adopt. Should an individual fall into error, his neighbour may admonish him; but he cannot attempt to restrain him; he cannot proceed to punish him. If a society, once known to be correct in their faith and religious practice, deviate into the paths of error, and adopt principles widely different from those which they formerly professed, it is the same. Errors in religion, of every kind, are errors which it is not competent to man to restrain, but by means which are in themselves adapted to induce the acknowledgement of them as inconsistent with truth. It makes no matter what is the description of error; it may be Unitarianism, it may be Antinomianism, it may be of a lighter or a darker shade; still it is error, and must be treated as error by the adherents of the opposite doctrines. We may lament it, we may view its progress with distress, but we must not lay our hands upon it: and I think it is quite time for us to suspect either our own knowledge of the truth or the purity of our attachment to it, when we feel the inclination to employ human authority, or any species of worldly power, to arrest it, to silence its abettors, and to impose external restraints upon them.”

“If many societies once Trinitarian are now Unitarian, it is also true that many societies, a considerable number of the old Dissenting congregations, were once Presbyterian. I could give a list of places, now before me, the title-deeds of which specify that the property which they are intended to secure shall be for the use of ‘Presbyterians.’ These places are now in the hands of Independents; who, according to the very elegant representation of the authors of the ‘Reply,’ ‘have, with ‘cuckoo insidiousness, taken possession of nests they ‘never built, and hatch their brood in stolen habitations.’ The loose declamation of the authors of the ‘Reply’ may be directed against Independents, occupants of these places; who have seized upon property belonging to others, and given for the support of another denomination. They propose the case of the Wolverhampton

Changes in
Dissenting
Charities
reciprocal.

Presbyteri-
an places
now held by
Independ-
ents.

Restrictions
in favour of
particular
doctrines
destructive
of Scriptural
liberty.

“ Meeting-house ‘ as a valuable precedent.’ Let them pro-
 “ ceed in their brilliant career, and their ‘ stern inflexible
 “ ‘ support of the cause of justice’ may overturn some of the
 “ ‘ rests that may disturb their own repose.”

“ No congregation of religious professors, who admit the
 “ exclusive authority and the sufficiency of the Scriptures,
 “ can bind their successors in the place of worship in which
 “ they had been accustomed to assemble, to the reception
 “ of any doctrine. They have no right to do it. They can
 “ judge and determine in matters relating to their own pro-
 “ fession, but they cannot dictate to or control the con-
 “ sciences and profession of their successors, who have an
 “ equal right with their fathers to examine the Scriptures
 “ for themselves, and to exhibit publicly their own sense of
 “ its doctrines. The authority which binds in religion, that
 “ on which the truths of Christianity are to be received,
 “ is a Divine authority; and this we find not in the opinions
 “ of our predecessors, but in the word of God. If the
 “ former are to oblige us, of what use can the latter be?
 “ The inquiry then would be, What did our ancestors be-
 “ lieve? and we must endeavour fully to ascertain the sen-
 “ timents which they professed, for the purpose of exhibit-
 “ ing them to the world. But how much soever this prac-
 “ tice may agree with Popery, it does not comport with
 “ Protestantism. The Scriptures are our authority; and we
 “ receive nothing, we believe nothing, but from them. Our
 “ fathers used the liberty, which no man could take from
 “ them, of examining the Divine word, and founded their
 “ profession upon their own conviction of the truths which
 “ they understood to be included in its testimony. They
 “ are gone to give account of themselves as to the manner
 “ in which they conducted their examination of the Scrip-
 “ tures, and supported the doctrines which they received
 “ from God. And we, having a like account to give, and
 “ living in the constant expectation of the judgement, shall
 “ shall try us, have the same duty to perform. The Bible
 “ is our religion. We cannot bind those who shall succeed
 “ after us as occupants of places set apart for Christian worship.

"ship, nor can we be bound by those who have preceded us. The liberty of the first worshippers, is the liberty of the last: *those* were exclusively judges of their own rights and duties, and *these* challenge and appropriate to themselves the same competence."

The open protest and powerful arguments thus directed by one of their body against the principle of the proceedings in the Wolverhampton case, probably led to the suspension of the suit; but the public, and especially those not conversant with the mysteries of a Chancery suit, which, though it may slumber, rarely dies, will perhaps be surprised to hear that though the old promoters long since abandoned it, new prosecutors have appeared and adopted it after a lapse of nearly sixteen years. Mr. Steward having abandoned his possession, the vacant house did not long want an occupant ready to contend for the legal prize. A new swarm has come to the empty hive; having no sort of connexion with the old institution or its objects, and the cause is likely soon to be again heard in a new form. There can be at present no public knowledge of the shape which the cause now assumes; but it must, in some way, be determined to whom the endowment (mainly consisting of money, contributed, as before observed, when heresy was avowedly rife,) is now to pass.

Suspension
of the Wol-
verhampton
suit.

ANOTHER cause,—now pending in the Court of Chancery, and which has excited the most attention, from the importance of the subject matter, and the striking anomaly of taking away from the sect of the founder even a share of the bounty which she liberally extended to all,—concerns the administration of two charities founded by Dame Sarah Hewley.

Lady Hew-
ley's case.

Lady Hewley was the daughter of Robert Wolriche, one of the benchers of Gray's Inn, and wife of Sir John Hewley, a representative of the city of York in the reign of Charles II. She was a great support to the Nonconformist ministers, and afforded them extensive relief. Those to whom she was attached were Presbyterians, and not Independents. She belonged to that body which has

Her history.

been already described as anxious to be connected with the Church of England, and to be included in the schemes of comprehension. Calamy was favoured by her, and received an unsolicited mark of her respect. She was one of many benevolent ladies, who, in the period of religious persecution, protected those who had been ejected under the St. Bartholomew-Day Act. The Presbyterian chapel of St. Saviour Gate at York received assistance from her, she having been there accustomed to hear divine service. And *after* the separation of the Presbyterians and Independents in 1694, and the establishment of the "Congregational Board," she subscribed, together with two of those persons afterwards nominated by her as Trustees of her charities, to the "Presbyterian Fund." Having attained an advanced age, and the political state of the Established Church not promising any advantage to the Nonconforming clergy, she devoted a large portion of her estate and property to the endowment and perpetuation of a Dissenting ministry; probably the earliest example of such endowments in favour of seceders from the Established Church. Her religious opinions were no doubt Baxterian or Arminian; with indications (arising out of her apparent preference of Bowles's Catechism,) that she partook of the rising inclination to prefer Scriptural to dogmatical phraseology, the result of which was soon apparent, with this further circumstance indicative of the character of the theology around her, that one of the then ministers at St. Saviour Gate Chapel so conducted his ministry, that the congregation which survived him and Lady Hewley chose an avowed Arian as his proper successor. The catholic spirit of her benevolence is manifest, not only in the liberal character of her provision for Nonconformists generally, but in the fact, that other branches of her bounty were directed towards charities of the Established Church, from which she was expressly excluded.

First charity in 1704, for Ministers.

In 1704, Lady Hewley conveyed to certain distinguished Presbyterians certain manors and lands, directing them to dispose of the rents arising from them. "First,

"to poor and godly preachers for the time being of Christ's
 "Holy Gospel; secondly, to poor and godly widows of poor
 "and godly preachers of Christ's Holy Gospel; third-
 "ly, in such manner for the encouraging and promoting
 "of the preaching of Christ's Holy Gospel in such poor
 "places as the said Trustees for the time being, or any
 "four or more of them should think fit; fourthly, for exhi-
 "bitions for or towards educating young men for the mi-
 "nisty of Christ's Holy Gospel, never exceeding five at
 "one time; fifthly, to pay the surplus, after the previous
 "dispositions are satisfied, to godly persons in distress."
 And also, "that whatever charitable dispositions or allow-
 "ances by the said Lady Hewley should have been made
 "to the persons and places in York or Yorkshire imme-
 "diately or shortly before her death, should be continued
 "and paid by her Trustees, until they should see reason
 "to discontinue the same."

In 1707, Lady Hewley conveyed certain messages to
 Trustees as an hospital or almshouse. The Trustees were
 to appoint to the hospital ten poor persons, nine of whom
 were to be poor widows or unmarried women, so long as
 they should continue unmarried, being of the age of fifty-
 five and upwards; and the tenth person was to be a pious
 and sober poor man, who might be fit to pray twice a day,
 morning and evening, to the rest of the inmates; and in
 default the tenth person was to be a poor woman quali-
 fied as the rest. Lady Hewley approved of certain rules
 which were framed under her direction, and desired that
 they might be observed in the management and direction
 of the hospital. Among them are these: That the persons
 admitted be "*poor and piously disposed, and of the Protes-
 tant religion*"; that "every almsbody be one that can re-
 peat the Lord's Prayer, the Creed, the Ten Command-
 ments, and Mr. Edward Bowles's Catechism." That
 "all almspeople, when not disabled by weakness, duly
 repair to some religious assembly of the Protestant religion
 every Lord's day, forenoon and afternoon, and at other
 opportunities, to attend the worship of God."

Almshouses
 in 1707.

Trustees' qualifications.

As to her Trustees, the only restriction or qualification imposed was, that they should be persons "of good reputation."

Charities quite distinct.

These two charities, it must be observed, are perfectly distinct. The terms of the trust relating to the first are perfectly general; of the second, possibly restrictive; but to what extent shall be presently considered.

Comprehensive terms of the endowments.

The terms of the endowments are comprehensive, and apparently leave to the Trustees a perfect discretion in the choice of those who are to become beneficiaries. "Poor" and godly preachers of Christ's Holy Gospel" were to be benefited. She could mean no other persons at that time than the Nonconforming ministers, with many of whom she had been on terms of intimacy, and to many of whom she had afforded constant relief. She was herself a Presbyterian; her Trustees were Presbyterians; and the great body of Nonconforming ministers in the North of England were Presbyterians. "Poor" implied those who never depended upon, or who had been deprived of, fixed sources of income as the payment of their ecclesiastical services; those who were dependent upon voluntary charity, or had once participated in the income of the Established Church, and now relied upon private munificence for endowments which might aid in removing part of the precariousness of their means of living. "Preacher" was a common Puritan term, used in contradistinction of those who attached great importance to the Liturgy*. "Of Christ's Holy Gospel"

* *Bishop of London*.—"Because this, I see, is a time for moving petitions, may I humbly present two or three to Your Majesty? First, that there may be amongst us a *praying ministry*, it being now come to pass that men think it is the only duty of ministers to spend their time in the pulpit. I confess, in a church newly planted, *preaching* is most necessary; not so in one long established, that *prayer* should be neglected."

His Majesty (James I.).—"I like your motion exceeding well, and dialike the hypocrisy of our time, who place all their religion in the ear, whilst prayer (so requisite and acceptable, if duly performed,) is accounted and used as the least part of religion."—*Conference at Hampton Court: Fuller's Church History*, book x. p. 15.

is an expression of that general character which accords with the true Nonconformist principle of leaving to each individual the right of private judgement. Sects there were, yet none are named. Doctrines were disputed, yet none are distinguished. An absolute and perfect discretion is afforded to the first and succeeding Trustees, of determining what preachers of Christ's Holy Gospel should participate in the charity.

The necessity of the Trustees exercising some great degree of discretion was rendered actually necessary, not merely by the general expressions of Lady Hewley's Will, but still more so by the changes which took place in the different Dissenting denominations. The Presbyterian chapels early diminished in number, from causes already mentioned. The nobler and richer classes of persons conformed to the Church, while the old body of Nonconformists, who had associated and were tied together by the remembrance of their common sufferings, was in the course of time much broken up; and both new and old congregations being unconnected, and acting without any combined object, a great portion of the former appearance of unanimity among the Presbyterian body passed away. Lady Hewley had directed certain "places and persons benefited by her" "in her lifetime" to the notice of the Trustees. York had been thus favoured. St. Saviour Gate Chapel had been attended by her, and it has always received a portion of her bounty. Many of the old chapels having fallen off, and others arising, the Trustees, looking at the general expressions of Lady Hewley's Deed, and seeing no test, no creed, no articles, no confession of faith required, considered themselves at liberty to give the greatest possible extension to the words. To have favoured peculiarly those of their own opinions would not have been improper. To have granted assistance to Presbyterian chapels,—whether Trinitarian, Unitarian, or otherwise,—would almost appear to have been the confines of their power. To have sought out the successors of the old ministers, and to have looked for those only who

Necessary
exercise of
discretion
by the Trustees.

peculiarly represented the ejected ministry, might have been considered a duty. Nevertheless they acted with a more liberal spirit. Changes had occurred in all the Dissenting bodies. Most of the Presbyterians gradually adopted Unitarian tenets, and had deviated no doubt from the more prevalent doctrines entertained in Lady Hewley's time, and personally held by her. The Independents also maintained opinions to which Baxterians had been opposed; and the Baptists, though a liberal and enlightened body, were not more expressly contemplated as participants of the charity than the Independents. Had the Trustees endeavoured to favour their own doctrines, an outcry might have been, though with injustice, raised, that they had erred and differed from a large body of other Christians; and from personal motives sought to favour their own sentiments.

Increase of
the Fund,
and conse-
quent appli-
cation.

The original Fund increased in value, and the amount of the profits enlarged. The Trustees might either have confined the bequests to strictly Presbyterian congregations, without any regard to doctrine, or they might have enlarged the institution without any regard either to sect or to doctrine. They would have been excused in doing the first; the second was acting in a most perfect spirit of Christian benevolence and disregard of every selfish and party feeling; looking upon doctrines as unfortunately too much the cause of hostility and dissension, and making the charity rather a means of mitigating monstrous evils, than perniciously increasing their extent. Baptists and Independents, both of the new and old associations, were all admitted to participate in the charity. The old Presbyterian congregations were allowed to have a preference in the distribution; and, though their tenets were not especially favoured, grants of assistance were made to new Unitarian congregations, which may be appropriately called Independent. Not more, however, than three of these last congregations were added to the list of Beneficiaries.

Actual

In order that the fairness and equity of the Trustees

only be made more apparent, it is proper to notice the manner in which almost the latest distribution was made. The accounts, made up to September 1829, show a total sum distributed, according to the half year's list, of 1896*l.* 10*s.* Of this 237 preachers were allowed stipends, amounting in the whole to 1075*l.*; students, 60*l.*; and poor widows and others, exclusive of the almswomen, 268*l.* 10*s.* Thirty-seven only of the ministers were shown to entertain Unitarian sentiments, exclusive of Mr. Wellbeloved; and there was divided among them only 246*l.* 10*s.* The other 199 ministers receive 788*l.* Thirty places upon the list existed in Lady Hewley's time, and are many of them "places benefited by her in her lifetime."

latest distribution.

Thus the Trustees, so far from being desirous to suppress doctrines which they did not adopt, or to make the funds in their hands contribute to the maintenance of religious bitterness and hostility, have endeavoured as far as possible to allay contention and to nourish kindly feelings among those who in common receive the Scripture, though differing upon its interpretation. Arian, Unitarian and Trinitarian sentiments had been professed by them and their predecessors. What they themselves believed, they desired not to encourage others to adopt, by offering those temptations and advantages of pecuniary assistance, which may in many cases affect and prejudice the judgement.

Application therefore liberal and impartial.

One grant of assistance by the Trustees has excited particular dissatisfaction. It is that to the minister and congregation at Rosendale. They were not Presbyterians. In the course of their religious investigations, they were led to doubt many of the doctrines usually received; among others, that of the Trinity. They were advised, being poor persons, to make an application to Lady Hewley's Trustees. There was no substantial obstacle to the grant. On the same terms on which the modern orthodox Independent or Baptist was admitted to the number of beneficiaries they were included. Their doctrines could not create offence any more than those of an opposite description would have done. The only doubt which can exist respecting

Rosendale grant.

their application is connected with the apparent levity of the mode and the terms in which it was made. They were conscious of the rectitude of their intentions, and the publications of their minister are far from being in any way discreditable. Their neighbours had spoken in terms of reproach of their conduct, and the expressions used were inserted in the memorial. It is very doubtful if the memorial was seen by the Trustees; but at all events the error of the Trustees, if any in this case, was one of indiscretion. The doctrines of the minister and congregation of Rosendale could not and ought not to create offence, unless they were dishonestly adopted, or were professed from discreditable motives. Were the Trustees critically to test the good sense of applications for their assistance, when the cases were in their judgement substantially proper? No one who knows the character and turn of mind of those who have hitherto administered Lady Hewley's charity, will believe that, however they may have shut their eyes to little sectarian extravagances, they were persons in whose judgement any extravagance would have formed a ground of predilection.

A different course must have rejected the direct successors of the founder and original beneficiaries.

Had the Trustees objected to those variations of opinion which have taken place in the Presbyterian body, the effect would have been to have excluded those who were the direct successors of the former ministers by insisting upon a test. They found no articles of belief which were to be subscribed. They were themselves the successors, and in many cases the hereditary descendants, of the most distinguished Presbyterians. The chapels they were connected with were founded or endowed by members of their own families. They contained the records and memorials of their relations and connexions. All those associations which are usually of the strongest character operated upon them, as they might upon others similarly placed. They esteemed the departure from the opinions of their ancestors as authorized by that love of truth which their religious education taught them to cultivate and to prize as a constant rule of action. Variation of doctrines had taken

place in all their congregations, sanctioned and encouraged by their principles. They might have insisted upon the profession of peculiar doctrines. The torpidity of conformity might have ensued, and a unity of profession might have been, in their own congregations, obtained by the sacrifice of that great moral duty, of not receiving doctrines without being satisfied of their truth, and of not yielding assent to opinions without inquiry into their correctness. A new sect, intolérant of all others, might easily have been established. But investigations into conscientious differences of those with whom they were connected would have been unjust, and would have deprived congregations of that latitude which makes each of their members act upon his own responsibility, and takes away that self-humiliation which those must incur who, without investigation, hastily give assent to formularies of belief.

The Trustees could not prevent religious inquiry, and would not have been authorized in the attempt. Leaving out all consideration of the discretion they possessed of forming other congregations than Presbyterian, of admitting various sects to participate in the charity, with what equity could they impose confessions of faith? The honesty and character of the Presbyterian ministers were not called in question, and their lives were irreproachable. They and their predecessors endeavoured by the aid of religion to favour all moral motives, and to diminish the force of those impulses which might trespass upon religious investigation. Were they to oppose this intent, wisely provided for by the absence of all restriction? Were they to diminish the efficacy of liberty of inquiry, and to place Presbyterians upon the level of those who, to attain conformity and uniformity, encourage interested considerations and sacrifice charitable feelings to belief? They could not mistake those whose intentions they were carrying into effect. Looking at the general terms of the trust deeds, and seeking from "within their four corners" the intent, a liberal and comprehensive rule for the administration of the charity was that only which they could frame. Re-

Impropriety
of any other
course but
the one
pursued.

garbling extraneous circumstances, the adoption of a similar rule was necessarily suggested. To have even attempted to discover the doctrines of the founder in order to establish them as a test to which her beneficiaries should comply, would have been a violation of that intent which the best and the strongest evidence proved. The history of the parties themselves, their complaints of religious persecutions, and their lamentations of the importance attached to creeds and articles were too instructive to be forgotten. To protect the privilege of inquiry was the duty of the Trustees; and this was best effected by opening the charity to all Christian bodies, leaving the truth, ever permanent, to establish itself. Every object of religion was thus most likely to be attained, and no outrage committed under the pretence of advancing the interests of Christianity.

Complaint
as to St. Sa-
viour Gate
Chapel.

One of the prominent—the earliest—of the cases of complaint made against the Trustees relates to the continuance of the allowance to St. Saviour Gate Chapel, when, by the election of Mr. Cappe, Arianism predominated. It illustrates forcibly the insensible gradation of opinion, and the extreme difficulty of inquiring into opinion as a ground for limiting the extent of Lady Hewley's bounty. Mr. Hunter forcibly observes * :—

“ The majority chose Mr. Cappe; and having chosen him, whatever claims or rights belonged to the office with which he was invested, were legally and morally vested in him. Now, of what parties did that majority consist? Why, of persons who had been the congregation under the pastoral care of Mr. Hotham, whose theological possessions were formed under his influence. He had been so long their minister that very few of them could recollect any other minister before him. He had, indeed, been one of Lady Hewley's own pastors; for in her days there were two ministers in the chapel at York, Dr. Coketton and Mr. Hotham. Surely there can be no reason to impeach the conduct of the Trustees in continuing the

* Historical Defence of the Trustees of Lady Hewley's Foundations. By the Rev. Joseph Hunter, F.S.A. London, 1834.

stipend which Mr. Hotham had enjoyed to Mr. Cappe,
 who was a regularly educated minister, chosen with all
 the necessary formalities, and who was moreover elected
 by a congregation whose religious sentiments, whatever
 they were, had been adopted under the ministry of one
 of Lady Hewley's own pastors. This is an unfortunate
 case for the Relators to have selected as their *point d'ap-
 pui*. For see how the matter really stands. Lady Hew-
 ley had especially commended the York congregation to
 the notice of the Trustees. Mr. Cappe was regularly
 elected by that congregation to be their minister. To
 have refused to continue the allowance to him, they must
 either have neglected to conform to one of the most ur-
 gent injunctions of the foundress, or they must have in-
 terfered in the election of the minister, and suspended for
 the time the constitution of the York society."

Besides, had another course been adopted, and a test
 been imposed, the doctrinal articles of Lady Hewley's be-
 lief were not known. She might personally have approved
 of Bowler's Catechism. She might have desired also to
 favour other doctrines. Who could set the limit to the
 number of essentials the Trustees might require? Opini-
 ons perfectly adverse to those held by proper Calvinists
 might be inserted, and their exclusion effectually accom-
 plished. Certain doctrines might be expressed in such a
 manner as to make none but Churchmen admissible to bene-
 fit by the foundation, or they might be expressed according
 to thirty-five and a half of the Articles of the Church of En-
 gland in an enlarged form, so offensively as to exclude all
 Dissenters. Doing this, the language and interpretation of
 Churchmen upon their own Articles need only to have been
 employed. Will the testing "Christ's Holy Gospel" by
 the Church Articles satisfy a Calvinistic creed? By no
 means. In some modern arguments for the dissolution of
 the State connexion with the Church, we are told by Inde-
 pendents that "a vast majority of its ministers" (the Armi-
 nian portion,) "do not preach the Gospel." These mini-
 sters clearly meet the Vice-Chancellor's views of orthodoxy,

What creed
 could have
 been select-
 ed by them.

but with the Calvinists they fall under the same censures as the Presbyterians. The law, however, in Lady Hewley's day required assent to the Articles. The Trustees are not limited, and they might form a creed in the Church—of Arminian—sense of the Articles, and exclude Independents. Allow the power of framing articles, and it cannot be confined to the Trinity and Original Sin. Every objection which might be most offensive to Calvinists may be included in the creed, and the advantages in which they at present participate be wholly withdrawn. If the Articles of the Church of England are to be the guide, their alteration and modification might be made agreeably to the general Scriptural expressions of Bowles's Catechism, in such a manner that those most loud in complaints against the Trustees for establishing no confession of faith would be most injured by the compilation.

Result of imposing a creed to defeat liberty of inquiry.

The result of thus limiting the discretion of the Trustees in this and similar cases would be wantonly and unnecessarily to destroy all liberty of inquiry, the great principle of the body to which the founder belonged; to prevent all investigation of the truth; to attach importance to creeds and articles; to contradict the principles advanced by the most eminent and influential Presbyterian divines; to oust the present congregations from many of their chapels; to deprive them of the grounds in which their fathers and relatives have been buried; to take away endowments made up of the faith of respecting principles essential for the establishment of the truth; to make charities, now liberal, sectarian; to deprive those who have been taught to depend upon certain funds, of part of the means of their subsistence; to take away all discretion benevolently exercised; to deny the right of interpreting Scripture otherwise than according to some formulary which the Court of Chancery may prescribe. And yet the pretence for these encroachments upon existing congregations is, that it is supporting the intentions and the principles of the immediate predecessors and ancestors of the present Presbyterians!

The hospital also founded by Lady Hewley has not been exclusively administered. Of the present inmates two only are known to profess Arian or Unitarian sentiments. The Trustees in all cases have been tolerant, and governed by the same spirit of benevolence which may be presumed to have influenced the excellent person whose intentions they have endeavoured conscientiously to fulfil.

Admini-
stration of
the Hospi-
tal.

Sir James Scarlett, when Attorney-General, was asked to institute proceedings against the Trustees officially, and refused. A bill was then filed in Chancery on the relation of certain Independents. Upon the defendants being called upon to put in their answers, they made a general declaration of their belief in Scripture; such a course being that which, according to the principles of all Presbyterians, they held most correct; and such general declaration being by the Act of the 19 Geo. III. considered by the legislature a sufficient profession of Christianity to entitle Protestant Dissenters making it to the enjoyment of civil privileges. Whatever opinions they held, whether opposed to the doctrine of the Trinity or any other, they considered themselves competent to *administer* the trust funds, and others competent to *enjoy* them.

Cause of
the legal
proceed-
ings.

To have admitted the propriety of being subject to make a specific statement of the mode in which they received certain religious doctrines, would have been to yield up without contest the very principle of free inquiry which it became them to preserve inviolate. Had they allowed the inquiry, it would have been inconsistent with their constant declarations against the propriety of framing tests of belief. In the case of 'The Attorney-General v. Pearson', a clause inserted in the trust deed of a chapel was commented upon by Lord Eldon, which rendered the appointment of a Trustee null, in case he should become of any other religion or persuasion than that of the congregation. Lord Eldon held, that if the question before the Court was, "whether a trustee has been properly removed; and that point depends upon the question, whether the trustee has changed his religion, and become of another different from the reli-

Propriety
of resisting
a compul-
sory decla-
ration of
opinions.

"given of the rest of the society; it must then be *ex necessitate* for the Court to inquire, what was the religion and worship of the society from which he is said to have seceded; not for the purpose of animadverting upon it, but in order to ascertain whether or not the charge is substantiated *."

Extent to which the Court should inquire into religious belief.

But ought the Court even then to require more than general declarations of belief? If the congregation held the Scripture only as the rule of faith, ought the Court to require more than the general acceptance of the Scripture by the Trustee? If the congregation professed any particular mode of belief, ought the Court to require more than a general assent to, or rejection of, the doctrine professed? What are the consequences of a contrary course? Suppose the case of a charity to be administered for the benefit of members of the Church of England. The doctrines professed by those in connexion with that Church are specified in the Thirty-nine Articles. The charity, it may be supposed, is not administered among the members of that Church;—its affairs are then brought into Chancery;—general declarations of belief are insufficient;—the inquisitorial process of the Court is exercised. Should one article be demurred to, when the specific mode in which it is understood is interrogated to, the course of the Court is clear. It has not the power to judge of the respective value of each particular article: they *are* ALL fundamentals of the Established Church, and all must be received. The Court cannot say, assent to one, it is important; another, is indifferent. It must, not being satisfied with general assent, require an orthodox interpretation of all; or the charity must be administered by and to more learned and more orthodox persons, whose interpretation shall be satisfactory. Those who may adopt the language of Bishop Tomline can receive no favour, if the doctrine of Original Sin is not received as it is set forth in the Articles, and the true sense of those Articles must for that purpose be pre-

vionally determined. Difficulties without end would follow: Some contend that the orthodoxy of the Articles is to be ascertained by the sentiments of those who composed them; others, on the contrary, that a latitude in their explanation may be allowed. Between these contending parties the Court of Chancery must step in. Many bishops *ex officio* administer charities connected with the Church of England; general assent to the Thirty-nine Articles is insufficient; the orthodoxy of one of the bishops is suspected: is he to be brought before a civil Court to clear his orthodoxy? Perchance he may have been so indiscreet as to have exhibited the possession of great learning, and the fruits of a studious life, and have published sentiments which, properly or improperly, are suspected. The critic who shall attack him, needs not raise a cry of suspicion; a more plain process to ascertain the orthodoxy he questions is before him,—the Court of Chancery, sitting as an Inquisition, will lend its aid.

In 1695 a quarto pamphlet was published, with this title, "The Charge of *Socinianism* against Dr. Tillotson (Archbishop of Canterbury) considered;" and the author in the preface states, that his animadversions upon Dr. Tillotson were made "before the death of that unhappy man." Now, if the precedent of Lady Hewley's case is good, Dr. Tillotson might have been examined on Chancery interrogatories respecting the *special mode* in which those doctrines which led to the "animadversion" were entertained by him;

Lady Hewley's Trustees objected to the questions put; notwithstanding, that as the charity they administered was not restricted, a general profession of Christianity was sufficient. The contrary was determined. The same precedent would make general assent to the Articles of the Church of England insufficient. The cases are parallel. The Trustees were *upon oath* required to declare, "Whether they rejected ~~as utterly unscriptural~~ the doctrine of the Trinity of the ~~Persons~~ of the Deity; the doctrine of the Incarnation, or "true and perfect divinity of the Person of the Son of God; "the doctrine that the Son of God is the *second* person in

Application
of the prin-
ciple of
Chancery-
sisting to the
Church
itself.

Opposition
of the Trus-
tees.

"the Trinity, and equal with the Father; the doctrine of
 "the divinity and *personality* of the Holy Ghost or Holy
 "Spirit as the *third* person of the Trinity, and equal with
 "the Father and the Son; the doctrine of the forgiveness
 "of sins and salvation, through the merits of the atonement
 "and satisfaction for sin made by the death of Christ;
 "the doctrine that Jesus is really and truly God, and as
 "such the proper object of religious worship; the doctrine
 "of Original Sin, or that man is born in such a state, that
 "if he were to die in the condition in which he was born
 "and bred, he would perish everlastingly." Negatives to
 any of these interrogatories were to incapacitate the Trustees
 from *administering*, and ministers from *receiving* Lady Hew-
 ley's bounty; these doctrines being *necessarily* those con-
 tained in "Christ's Holy Gospel," according to the in-
 terpretation of the plaintiffs. The defendants answered,
 "We receive the Scripture as a sufficient rule of faith, and
 "interpret it in that sense which we believe to be true."

With this reply the Court was not satisfied. It was however
 the answer of those memorable men who commenced the
 Reformation, when charged with heresy by the Church of
 Rome. They knew not whether Transubstantiation was a
 doctrine they could assent to, but they piously and earnestly
 read the Scripture, satisfied of the rectitude of their inten-
 tions. The plaintiffs set up a standard of doctrinal belief,
 which the defendants opposed, and unfortunately in vain.
 The principle of the freedom of inquiry was involved in the
 dispute; therefore the defendants resisted its violation.

Question as
 to practical
 resistance.

If the Court of Chancery feels itself bound by its rules
 to enforce minute and distinct answers to its interrogatories
 on modal belief, however inconvenient and *contrary* to
 Protestant principles, the question appears to be, whether
 the most effectual way to put an end practically to the
 system will not be peremptorily to refuse to obey. It is
 not at all probable that any one would, in these days, dare
 to appeal to the process of the Court to enforce compliance;
 and, if such a proceeding took place, it is plain that an
 effectual remedy would soon be supplied. In England, in

the 18th century, it would not be possible to tolerate an Independent Inquisition, and to imprison the contumacious in the dungeons of the Court of Chancery.

Upon the cause coming on to be heard upon the merits, the principal question raised was, what persons Lady Hewley intended in employing the terms "poor and godly preachers of Christ's Holy Gospel." Her intent, if to be shown by other evidence than the trust deed, could, of course, only be discovered by a consideration of the circumstances which politically affected the Dissenting parties which existed during her lifetime, and of the opinions professed by that particular party to which she was attached. What the intent might be presumed to be, from the consideration of such circumstances, has been already shown*. The following conclusions appear inevitable.

Questions
argued in
Court.

1. That Lady Hewley herself, and her trustees after her, were not Independents, were not Calvinists, had no particular or ardent zeal for what are called orthodox doctrines, but without doubt belonged to that class of Dissenters called *Presbyterians*:—

Conclusions
to be drawn
from the
facts as to
the intent.

2. That in her lifetime, and ever since, that body have strongly insisted upon a resistance to all imposition of articles of faith, and upon the right and duty of every one to form his religious opinions for himself from Scripture:—

3. That in the exercise of that right, and the performance of that duty, there had taken place in the lifetime of Lady Hewley a certain departure from the principles which had been in the time of the civil wars declared to be Christian truth, varying in extent; and that there was a tendency manifested for still further departure, with a distinct refusal to repress it:—

19. And see a pamphlet entitled, "Observations on the Title of Unitarians and other English Presbyterians to administer or partake in the Sacrament of English Presbyterian and general Protestant Dissenters," published in 1824; a Letter to a Friend, by a Gentleman of long standing at the Bar, from which publication we have throughout these pages derived important hints, and to which we refer for many valuable remarks on some of the most material points and principles involved in the subject of this description.

That the duty was maintained in the Presbyterian body of great toleration towards persons of divers sentiments, and the setting love, union and peace above the maintenance of points of faith:—

That while in this state, and being cognisant of the different tone and feeling of the Presbyterian body of her time when compared with what it had been in her youth, Lady Hewley, notwithstanding, placed her estate in the disposal of persons of that communion, without laying upon them any restrictions of inquiry into the particular religious opinions of those who were to be the participants of her bounty:—

That the persons who now set up the principle, that there must be an accordance, more or less exact, between the religious faith of the present participants and that of the foundress, are setting up a principle which is decidedly opposed to the great governing principle of the religious community of which Lady Hewley was a member:—that no man had authority to fix the faith of another person; but that each must inquire for himself in the only authority, the book of Holy Scripture; and that this principle extended even to such important doctrines as that of the Trinity:—

That the terms on which the Presbyterians and Independents were living at the time when this trust was created were such that it would seem that the *especial* benefit of the latter would hardly enter into the contemplation of this Presbyterian benefactress:—

That for the Independents now to come and seek to appropriate to themselves the *whole* of the bounty, shouldering out the very denomination to which the foundress herself belonged, and arguing that the very congregation of which she was a member should take no benefit of the trust, can hardly be considered in accordance with her intent.

Peculiarity
as to the
almshouse.

There is a peculiarity affecting that part of the case relating to the hospital, which does not extend to the charity established for poor preachers of Christ's Holy Gospel. It is, the rule respecting the qualification of the almspeople,

and their capacity to repeat the Lord's Prayer, the Creed, the Ten Commandments and Bowles's Catechism. These *formulae* Lady Hewley desired that the persons received should be *capable* of repeating, while at the same time she simply expresses her wish that the objects of her bounty should go to *some* place of Divine worship on the Lord's day. So that whatever may be the effect of the rule, it was not framed for any sectarian purpose.

Bowles's
Catechism.

The doctrines contained in this Catechism were the subject of much debate in the suit. The Independents find it to be "racy in Trinitarian doctrines," and the Presbyterians, on the other hand, (with perhaps one exception, relating to Original Sin,) do not object to its theological tenor. It is not pretended by any that it is properly Calvinistic; but as Bishop Hall boasted that he could "bring all the Catechism of the Westminster Assembly "out of the Catechism of the Church of England*," by similar ingenuity all the Assembly's Catechism may perhaps be found in the one of Mr. Bowles. But this mode of disposing of the difficulty is too easy to be admitted as correct. The Catechism of Bowles, obviously the first fruit of rising distrust of the ancient formularies, is purely Scriptural in its language, and differs from that of the Assembly by the omission of dogmatic terms and phrases which are objectionable. It follows the general plan of the Assembly's Catechism; but the object is only the more marked of avoiding its dogmatism, and of using terms which each party would receive according to its own Scriptural construction. The Assembly's Catechism contains these questions and replies:

Doctrine
of this
Catechism.

"Q. How many *persons* are there in the Godhead?

"A. There are three *persons* in the Godhead, the Father, the Son, and the Holy Ghost; and these three are one God, the same in *substance*, equal in power and glory.—
"Matth. xxviii. 19. 1 John v. 7.

"Q. Who is the Redeemer of God's *elect*?

"A. The only Redeemer of God's elect is the Lord Jesus Christ, who, being the Eternal Son of God, became man;

* Calamy, vol. i. p. 272.

"and so was and continueth to be God and man in two
 "distinct natures and one *person* for ever.—1 Tim. ii. 5.
 "John i. 14. Rom. ix. 15. Heb. xii. 24."

Bowles's Catechism nowhere employs the term *person*, nor speaks of the substance or equality of the Godhead. It asks,

"Q. What is Jesus Christ?

"A. The Son of God manifested in the flesh.—Gal. iv. 4.
 "1 Tim. iii. 16."

General
 results of
 Bowles's
 Catechism.

It uses no language in this or any other passages, with perhaps one exception, which the Unitarian would refuse to use. The doctrine of Original Sin is stated in a very doubtful form. The modern Presbyterian admits that man is by nature frail and liable to fall into sin, but not that he will be punished everlastingly for any sin of his birth, if he have not knowingly and wilfully transgressed the commands of God*. Mr. Bowles has used expressions which render it somewhat doubtful whether he extended this doctrine, that is, whether he held that man should perish everlastingly for mere sin of his birth. His Catechism is not in any way Calvinistic. It nowhere mentions the divine decrees of election, of effectual calling, of justifying faith or of the perseverance of the saints, all of which are stated in that which is called its prototype. But this much is certain,—that the two catechisms differ; 1. In the use, the one of symbolical and the other of Scriptural phrases. 2. In the mode of dealing with Calvinistic doctrines †.

Mr. Bowles.

Mr. Bowles was a resident at York, a Presbyterian minister of liberal sentiments, highly respected by Tillotson and Stillingfleet. Calamy relates of him, that "being asked

* See this doctrine urged by Jeremy Taylor; *Works*, vol. ix. pp. lxx. 107, 108.

† See the two Catechisms compared, and the whole of Mr. Bowles's reprinted in the recent Pamphlet by Mr. Tottie, entitled, "A Plain Statement of the Trusts and recent Administration of Lady Hewley's Charities, as now in proof in the Suit of the Attorney-General v. Shore, &c., and others; with Remarks on Efforts now making to effect a total Disconnexion between Church and State." By Thomas William Tottie. And an Appendix, containing the Catechism of Mr. Edward Bowles, &c. London, 1834."

“by a friend in his last sickness, what of Conformity he disliked, he answered, ‘THE WHOLE;’” by which he meant to repudiate all submission to human impositions. He did not long survive the Restoration, in which he took part, receiving the delusive promises of Charles in favour of a comprehensive reform in religious matters. It seems that Bowles was one of those who would have gone as far as Baxter in his terms of comprehension. His Catechism was the most liberal of the day; its expressions being studiously coincident with those of Scripture, on the principles contended for by the genuine Presbyterians; and there certainly is no trace of its satisfying Calvinists. It is framed upon the Scriptural scheme adopted in several other catechisms about the beginning of the eighteenth century, when the dogmatic character of the Assembly’s Catechism became distasteful. Long before the present Trustees of Lady Hewley’s charity were appointed, it was out of print. In Calamy it is to be found, and is there called scarce. Even the Information in Chancery refers there for it, and not to any substantive copy. It was never used by Calvinists. It is to be found in no school of the Independents, and among the Presbyterians it perhaps fell early into disuse. It seems doubtful if it ever was much used by any body of men. The Trustees were not called upon to reprint it; and if it was not to be obtained, its disuse is excusably accounted for. They were not to teach it. The almsbodies, as a qualification, were *to be able to repeat it*, and this only was required. How soon the custom of doing so, if it ever practically existed, ceased, the tradition even of the hospital affords no information. Why do the Calvinists now praise it when its omissions, in their view of Christianity, are so apparent, and its insufficiency in expressing their doctrines is so manifest? Is it moral thus to play with confessions of faith, and to lay a stress upon a catechism as a text-book of orthodox doctrines, which those calling themselves orthodox have never employed and never sanctioned? In this as in other questions connected with the suit, a sacrifice is made of every moral

His Cate-
chism.

consideration, and no regard is paid to any other object than the stake which evasion and religious pretences may secure. Could Lady Hewley witness these proceedings, she might indeed "shake with horror." Expressions of high devotion and respect for the doctrine of the Trinity are accompanied with an indecent neglect of the most ordinary moral rules. If the Catechism does not perfectly or generally even contain the leading doctrines of Calvinism, the Independents can only evasively approve of its contents. If its contents are satisfactorily expressive of their sentiments, how happens it that by them it was never employed?

Catechism
not meant
as a test.

How far Lady Hewley intended the Catechism to be a test must be determined by what we know of the general opinions of her and of her connexions. It might have been a mere test of learning and a security for the admission of a superior class of persons to the hospital, not a test of doctrine. The former is by far the most probable. Many unfit persons might offer themselves for admission, and the purposes of the charity might degenerate. Then to be a literate person was a good qualification, and sufficient to maintain the character of the institution. The imposition of a test of faith is improbable. Her own sentiments had probably undergone modifications. She appears to have disapproved of the Assembly's Catechism, which in her youth she had no doubt been taught, and to have recommended another, (thus showing her approbation of what was then in the nature of dissent from the old standard of belief,) possibly for the very purpose of keeping her beneficiaries from the use of Calvinistic, or what are now called orthodox, formularies. Is this improbable, when we find one of the ministers of the chapel she particularly favoured, Mr. Hotham, leaving his flock at the close of his ministerial labours in that state of religious prepossession, which induced them to select an Arian as his appropriate successor? That the Catechism was not intended as a doctrinal test, may also be presumed from Lady Hewley leaving wholly to the discretion of the almspeople themselves their

place of worship; expressing only a wish, that they should attend *some* place of worship. At all events, if it should be considered proper for the Court still to require the Catechism to be repeated, the doctrines of that Catechism cannot affect the administration of the other charity, the trusts of which do not even refer to it. The ministers of 1719 seem to have anticipated the argument founded upon this Catechism, when they asked in their "Vindication," "Shall that which is only to be used as a means of instruction be set up as a test of faith?"

The evidence given in this suit was principally of a doctrinal character; on the religious sentiments of different classes of Dissenters; on the doctrines of Bowles's Catechism, according to the construction of certain witnesses; and also respecting the works published under the sanction of the British and Foreign Unitarian Association, to which *some* of the many Trustees of the charities were subscribers.

Evidence in
the cause.

The case was argued for some days, when the Vice-Chancellor delivered a Judgement, justly entitled to be called remarkable. He has himself thought it to be so from the unusual circumstance of his sanctioning its publication. Month after month a pamphlet containing this Judgement has been published, headed, "The Unitarians Defeated," and stated to be published by the permission of the Vice-Chancellor; apparently also revised by him*. Such a publication at all events makes the decision, what indeed it must, under any circumstances, have been, a fair subject for discussion and animadversion.

Decision.

In the course of the proceedings a list of works published by the British and Foreign Unitarian Association was put

Improved
Version.

* "The Unitarians Defeated.—Substance of the Judgement delivered
" Dec. 23, 1833, by His Honour the Right Hon. Sir Lancelot Shadwell,
" Vice-Chancellor of England, in the Case of the Attorney-General v.
" Shore, as to the Construction of the Trust Deeds of Dame Sarah
" Hewley, deceased. Printed by permission of the Vice-Chancellor:
" London, 1834."

in. It contained, among other books, "The New Testament in an Improved Version, upon the basis of Archbishop Newcome's New Translation; with a critical Text, and Notes critical and explanatory." This book was in the catalogue of the Unitarian Association, an account of the work, long after publication, having been confided to that Association, as a special trust, on condition of applying its proceeds to its republication; or to the publication of *any other version*, which the progress of knowledge should make more correct. It was a work of ability and research, and was sold as such, and not as an authorized book, or one used for popular purposes or for public worship. A copy was tendered in evidence, and objected to before the Vice-Chancellor. It was *withdrawn* by the Relators, without argument, and consequently was not judicially before the Court. So far as related to the case before the Court, this Version was unknown, yet the Vice-Chancellor treated it as part of the evidence, and founded his Judgment upon it. The only Trustee of Lady Hewley's greater charity who subscribed to the Association, was Samuel Shore, Esq.; and the only managers of the Hospital who also subscribed, were the Rev. C. Wellbeloved, Mr. Beatty, and Mr. Kenrick;—four out of thirteen of the Defendants. There was no evidence that any of these four persons had seen, read or approved of the Version; they might have censured it, criticised it, or complained of it; there was no evidence to the contrary before the Court; and there could not well be, as it was not in issue in the cause.

Grounds of
decision.

The Vice-Chancellor was not disposed to decide that the Presbyterians do not preach or believe in "Christ's Holy Gospel." The difficulty accompanying such a decision against those who receive the Scripture, and comply with the requisitions of the 19 Geo. III., was obvious; and therefore an ingenious device was resorted to. The Vice-Chancellor being of opinion that the "Improved Version" was erroneous in many parts, concluded that as some of the Trustees subscribed to an Association publishing the Version, therefore ALL the Trustees, together with *some* of the

persons who participated in Lady Hewley's charity, rejected the true and critical text of Scripture, and did not receive "Christ's Holy Gospel." It is necessary to quote part of the Judgement.

"The first donation in Lady Hewley's Trust was 'to poor and godly preachers of Christ's Holy Gospel.' I cannot but suppose, as she was not a Conformist, that she did mean those persons, not being members of the Church, who did entertain, among others, the firmest belief of the divinity of our Redeemer's person, in the necessity of the sacrifice he made, because of the universality of sin, commonly called Original Sin; and that she would, as Sir Edward Sugden has stated with great *propriety*, have shaken with horror at the notion of her charity being given to the sustenance of persons who not only disbelieved these doctrines, but who actually preached against them. It has been argued that the principal object of this lady was to support poor ministers, widows of poor ministers, and other persons included in her trust deeds; who would themselves be the supporters of what was called the great doctrine of the Presbyterians—that sort of unrestrained method of disseminating the faith which could not submit to be bound by any test or creed, or by anything except the words of Scripture.

"Now, the book mentioned in the catalogue of books at the end of the Sixth Report of the Unitarian Society, which was called an Improved Version of the New Testament, afforded a strong inference that persons who would assist the publication of it, cannot come under the description of 'poor and godly preachers of Christ's Holy Gospel,' even according to the view which has been taken of these words by the defendants' counsel. Surely it is immaterial whether a creed is expressed in a form of words, or whether *a thing* (!) called a translation is propounded to mankind which refuses to give the literal sense of words, and in lieu of words expressing the literal sense of the words in the original text, substitutes other words. . . . Where persons had obviously gone out of the plain

“way and had chosen not to give the literal meaning, for the purpose of misleading the ignorant reader, those persons must be considered as in effect imposing a creed upon the reader, and not giving him the benefit of judging for himself by means of the pure word of Scripture.”

Mode of
reasoning to
this conclu-
sion.

Had the Vice-Chancellor determined that Lady Hewley intended to favour those only who held the doctrine of the divinity of the *person* of Christ and of Original Sin, his Judgement, resting on that ground, would be intelligible; but whence would he have derived evidence sufficient to support it? Evidence of what Lady Hewley considered included in the term “Christ’s Holy Gospel” there is none; nor is there evidence to show what opinions, sincerely entertained, she would have censured. The Vice-Chancellor therefore proceeds to give other reasons for his Judgement. The great doctrine of the Presbyterians, their nonadmission of any test or creed, he admits. The consequences of the admission were plain. To avoid them he insists, that an “Improved Version of the Testament,” which *some* of the Trustees “assist in the publication of”—not *preach*—being framed in order to produce certain impressions on the mind of the reader, is a violation of the principle of free inquiry, as it prevents the exercise of private judgement. To prove the errors or mis-translations of certain passages, the Vice-Chancellor entered into a critical examination of many parts of the Version, and added, “I do not remember to have seen any translation which could be considered more unsatisfactory, more arbitrary, more fanciful, more foolish, and, I am sorry to say, more false, than this thing called by the Unitarians an improved version; and sure am I, that Lady Hewley would have thought it the worst calamity that could have happened to *her*, that persons should be considered entitled to participate in her charity, professing to call themselves ‘godly preachers of Christ’s ‘Holy Gospel,’ who would give their sanction to such a publication as that. For the reasons I have assigned, she would, if the matter had been *duly explained* to her, have seen that it militated against the principle which the de-

“fendants’ counsel said was the principle on which she de-
 “sired her charity to be administered,—namely, the prin-
 “ciple of free discussion without creed, and by appealing
 “only to Scriptures as they stood. . . . I find, by the evi-
 “dence, that Mr. Wellbeloved and Mr. Kenrick, and some
 “third Trustee, were subscribers to the institution called
 “the Unitarian Society, which enumerated amongst the
 “books it circulated this improved version of the Scrip-
 “tures, as it was called; and my opinion is, that the
 “question being, not who should participate, *but what*
 “*given individuals should be excluded*, it is satisfactorily
 “made out that no person who believes as Mr. Well-
 “beloved has stated in his sermon he believes, or who
 “acts as Mr. Wellbeloved has acted, with regard to sup-
 “porting that Unitarian Society which had published
 “such a book as the improved version, could be considered
 “as entitled to *share* in the charity of Lady Hewley. . . .
 “Therefore I think it clear that no stipend ought to be
 “continued to Mr. Wellbeloved or to any person preach-
 “ing the doctrine he does; and it is also clear that the
 “charity itself cannot be administered according to the
 “intention of Lady Hewley, at least there is no reasonable
 “security that it can, if it is allowed to remain in the hands
 “of persons who thought as he did and acted as he had.
 “I have *no evidence whatever* to induce me to believe that
 “he had anything to do with the improved version, more
 “than in *assisting by his subscription* in the publication of
 “it. . . . Therefore my decree must in substance declare,
 “that no persons who deny the divinity of our Saviour’s
 “person, and who deny the doctrine of Original Sin, as it
 “is generally understood, are entitled to participate in
 “Lady Hewley’s charity; and that the first set of Trustees
 “must be removed. It is sufficiently manifest that this
 “lady never intended that there should be Trustees of one
 “sort to administer the dealing out of the funds amongst
 “the persons named in the first deed, and Trustees of a
 “second sort to superintend the hospital which contained
 “the poor almswomen. I therefore think that all the Trus-

"teers who are Dissenters, and deny the doctrine of our Saviour's Divine person, and the doctrine of Original Sin, must be removed; and though there is no objection personally to Mr. Palmer, yet as it appears that he is a member of *the Church of England, he ought not to be continued a Trustee.*"

Lady Hewley's supposed "horror."

Lady Hewley, it is said, would have "shaken with horror" at the doctrines considered offensive by the Vice-Chancellor. Individually she might have disapproved of them, but *non constat*, that she would have regarded that person otherwise than as a pious and sincere Christian who received them. The presumption to be drawn from the principles of the body to which she belonged, if acted upon consistently,—as we have seen they were to their fullest extent, even on those very points noticed by the Vice-Chancellor,—is quite otherwise. What would one of the Vice-Chancellor's predecessors on the judicial bench have thought on the subject? When the Presbyterian principle of inquiry was expressly determined to extend to the doctrine of the Trinity, his pithy way of characterizing the result was that "*the Bible carried it.*" Milton, even in his day, viewed this latitude with no alarm; neither did Bishop Hare, Locke, or others; nor did the seventy-three ministers who rejected the test at Salters' Hall "shake with horror" at the notion of the rejection of the doctrine. Suppose, however, that the doctrines Lady Hewley would herself have professed could be distinctly ascertained, and that these, as is probable, were Baxterian, it is a consideration perfectly beside the question, in ascertaining her intent in founding a charity. The principle she approved of was that of unrestricted discussion. It is very probable she did not foresee all the conclusions it might lead to, but it cannot be presumed that she was ignorant it would lead to the adoption of other sentiments than those she herself professed. Foreseeing that changes and variation of religious opinions would occur, can it be inferred that she would not have tolerated them, or that she would or could have limited their extent, approving as she did of a principle certain of producing them?

On what historical probability, it may again be asked, is it that Lady Hewley is to be presumed to have confined her bounty to particular doctrines, and to have intended to prevent the free exercise of opinion in her own denomination. We know that Dr. Colton, her pastor, friend and chief adviser, was one of the most liberal school. In 1706, a contemporary thus describes him: "He is a very prudent peaceable man of the *primitive* stamp: no bigot to any party, but a lover of all good men, of *what persuasion soever*.*"

Historic probability.

The whole scope of the charity of Lady Hewley shows that she acted in the true spirit of Baxter and the succeeding Presbyterians, whose object had been to maintain concord by laying the foundation of an institution wide enough to include all classes of opinion. This the ministers brought up in Lady Hewley's day, if there was any doubt about the extent of the principle, afterwards specially proclaimed as including the doctrine of the Trinity; and this not as the project or theory of the moment, but arising from the principles on which they and their founders justified their dissent from the Church. In perfect practical accordance with this principle, we find Lady Hewley extending the terms of her trust so as to embrace all Nonconformists, and not merely her own particular denomination, much less any fraction of that denomination.

The internal evidence of the Charity.

Other instances exist of similar disinterested benevolence on the part of members of the Presbyterian body; and surely it is no very becoming return for such liberality, to exclude their descendants from acting in the very spirit which prompted such extended trusts,—which alone gave any other denomination any interest in the matter,—and which prevented their being made, what an Independent would, in consistency with his views of the propriety of surrounding Churches with "checks and precautions," have studiously rendered them—exclusive charities—existing for the sole benefit of an exclusive denomination.

Similar instances of comprehensive intent.

* Dunton's Panegyrics, Defence, New Edition, 1818. p. 418.

Norwich
case.

Dr. John
Taylor in
1724.

Wherein appears the distinction to be drawn, either in legal construction or moral probability of intent, between Lady Hewley's case and that which occurred some years after, under the will of a lady of the Presbyterian congregation, at Norwich? Of her doctrinal opinions there can be no doubt. She was one of the flock of Dr. John Taylor; and his doctrinal opinions, we apprehend, are sufficiently notorious. He was a zealous maintainer of the liberal, catholic spirit of Protestant Dissenters. As early as 1724, five years after the meeting at Salters' Hall, we find him,—though then probably not fixed in his personal opinions on the doctrine of the Trinity,—expressing himself not satisfied that subscription “is a means sanctified and appointed of God, for either finding out or ascertaining the truth. “On the other hand,” he says, “I am sure it has been grievously abused from the first times of Christianity, to the dividing of Christians, and the destroying that love and mutual forbearance which is the distinguishing character of our holy religion, and the only bottom upon which the tranquillity of the Church can be rightly settled.”

In 1737.

In 1737 we find him, in his “Defence of the Common Rights of Christians,” speaking more decisively of the attempt to impose subscription.

“This is *Dissenting Popery*. For Popery is not mere error, seeing the best of Protestants may be in error more or less. But *Popery is human infallibility and persecution, wherever they are found, whether among Papists or Dissenters*. Human infallibility is making the judgement or writings of any man or body of men, since the Apostles' days, the rule of Christian faith, not to be doubted, questioned, or departed from. Persecution is any degree of hatred, or any kind of injury done to those who differ from us in religious sentiments. And if human infallibility and persecution are found among Protestants in general, and Dissenters in particular, it is true, they so far retain a species of Popery, as they ground their faith upon human schemes, and hate and injure those that reject them.”

" Pretend not a power and liberty in every congregation,
 " to cast out and take in as they please. Such a power
 " they undoubtedly have, in opposition to all human power,
 " and so far as they touch no man's civil rights; but not in
 " opposition to truth, and the laws of the Gospel; not to
 " tyrannize and domineer over one another's consciences;
 " not as if they were accountable to no authority but their
 " own, because they are accountable to no human autho-
 " rity. They must certainly stand before the judgement-
 " seat of Christ; and if they have held up their hands in
 " an uncharitable condemnation and exclusion of a true
 " disciple, how will they hold up their hands at that awful
 " bar? Every one concerned in this fact should commune
 " in private with his own heart upon these things, as he
 " valueth the life of his own soul."

" The principles of the Dissenters as such, are these:
 " *That the Scriptures are the only rule of Christian faith;*
 " *that human schemes, creeds and confessions, forms and*
 " *modes, in faith or worship, are to be rejected, if imposed*
 " *as necessary terms of communion; and if otherwise, only*
 " *to be received at pleasure, by whomsoever imposed. The*
 " *Dissenting principles are liberty, private judgement, free*
 " *inquiry and free profession, peace and charity, mutual*
 " *forbearance, moderation, and good-will towards all man-*
 " *kind.* And these are principles which men of the best
 " sense and fortunes need not be ashamed to own and
 " espouse. These principles, which the Dissenters hold in
 " common with all true Protestants, are indeed no other
 " than those of universal Christianity, and will stand as
 " long as there is truth, honesty and humanity in the earth,
 " or a good and almighty God in heaven."
 " If the Dissenters stand firm in liberty and love; if they
 " list themselves under no other head and leader but Christ
 " alone; if they refuse all party-schemes, and stand upon
 " the single basis of universal Christianity; if they allow
 " the free study of the Bible, and encourage the labours of
 " their honest and learned men; if they are stedfastly de-
 " termined to establish their faith, practice and worship

"upon the Word of God alone, as it shall from time to time be made known unto them; and upon this bottom, and no other, have true affection to one another, and to all men; then they will act up to their own true principles: and *though they may not be able at once to bring the whole body of truth out of Revelation, yet the day will shine still brighter upon them*; and their cause, thus set upon its proper basis, will stand, nor shall the gates of hell prevail against it. But if ever they abandon liberty and love; if they stiffly adhere to party-names and schemes; if they set bounds to Scripture-knowledge, and presumptuously say, *Hither shalt thou go, and no further*; if they discourage the honest and learned, that would throw in more light and truth among them, they will become weak, and waste, and dwindle into nothing."

Norwich
trust.

Trained up in the spirit of such an expounder of the true principles of Protestant Dissent, we find the lady referred to, who could have had no doctrinal sympathy with Calvinists or Trinitarians, leaving, like Lady Hewley, a considerable fund for perpetual distribution among poor Dissenting ministers generally, with this restriction only, that they should be resident in her own or the adjoining county. She added a provision, which, at the same time that it perhaps prudently guarded against the imperfect state of legal toleration, showed that confidence in the principles of her Presbyterian Trustees which the result has fully justified. She expressly prohibited all interference with the completest discretion on their part, and incapacitated any one who questioned it from participating in her bounty. The charity of this lady,—an Arian Presbyterian,—administered at her death by Trustees of similar principles, and now by confirmed Unitarians, has always been impartially extended to suitable objects, without the smallest reference to sects or denominations. The congregation to which she and her Trustees belonged has never received the smallest share of it*.

* A similar case of an earlier date, in the same city, occurs to us while referring to this charity. An eminent Presbyterian who died in 1715,

What distinction can properly be drawn between this case and that of Lady Hewley, though the facts, being comparatively recent, happen to be known with more certainty? Each donor extended her bounty to other sects, and yet each is now to be supposed, on legal inferences, to have meant to restrain the freedom of her own. There is no difference between the cases, except that the monstrosity and moral iniquity of the proposition for which the Independents contend, becomes too prominent to be denied, when it is considered that, in the Norwich case the same legal presumption exactly applies as in the Wolverhampton and Lady Hewley's cases, and must, if it has any validity, equally avail to take the Norwich lady's bounty away from those to whose benefit it was devoted. We allude to the presumption that—looking at the contemporaneous state of the law,—she must, though an Arian, be held to have intended to favour such ministers only as were within the then existing legal bounds of toleration.

Similarity
to Lady
Hewley's
case.

Those who attentively follow the argument of the Vice-Chancellor, will not be astonished if suits in Chancery are interminable. He cannot mean that a Judge is, on the spot, in each case, to constitute himself a judge of Greek and of theological criticism, and to determine the fact,—which, if it be material, should be *proved* like all other facts,—as to whether each man's version is a justifiable one or not,—whether it be a "creed" or "a version." The logical conclusions of his Judgement must be peculiar to the Court in which they were delivered. The conclusion from his premises, for which we have seen he had actually *no* evidence, would properly be,—supposing the "Improved Version" to be such as he represents it,—that the administration of the charity should be, by and amongst those persons who use the authorized version of the Bible. The conclusion like Lady Hewley, did not confine his religious charity even to Nonconformists generally. He founded a Sacramental Lecture, to be delivered in alternate churches of the Establishment, and he extended his bounty to the schools of the Church and to those of Protestant Dissenters generally. Many other instances of this catholic spirit of the early Presbyterians could no doubt be pointed out.

Reasoning
of the Chan-
cellor's
Judgement.

however drawn is, the present Trustees use an Improved Version of the Testament, which is not Christ's Holy Gospel, *therefore* the future Trustees are to declare their belief—not in the Scriptures generally, but—in the doctrine of the Trinity and of Original Sin. An inference equally sound from the premises, as if a Judge, holding Calvinistic sentiments, had concluded, that *therefore*, the future Trustees shall acknowledge the doctrine of Election; or as if a Roman Catholic had declared the Judgement of the Court, with a '*therefore* the Trustees shall assent to the doctrine of Transubstantiation.' Nor is this the only singularity: "I acknowledge Lady Hewley admitted the principle of free inquiry, but if the matter had been duly explained to her, she would not have permitted the doctrine of Original Sin or of the Trinity to have been questioned." She would have permitted inquiry, provided the doctrines she entertained were not opposed! But the summary of the argument of the Vice-Chancellor is this: "The object of this lady was to support poor ministers, and among them, such as would not be bound by any test or creed; *therefore* my decree must be, that no person shall enjoy the benefit of the charity, who will not submit to a test respecting the Trinity and Original Sin*:" i.e. "You, the Trustees, have violated the

* We have before noticed the difficulties which must arise out of fixing upon the doctrine of "Original Sin," as one of the tests of capacity for the enjoyment of a charity founded by the early Nonconformists. The new Trustees must begin by defining it; yet the doctrine itself is in actual controversy even among the Independents themselves; and they have yet to determine whether the dogmas of Dr. Wardlaw, or the qualifications of Professor Stuart, as published under the auspices of Doctors Smith and Henderson, are to be held to be the true faith. The London Independents have appeared to patronise the former, which represent the old faith of the Calvinists; but it appears, from a pamphlet by Mr. Youngman, an able and highly respected member of this denomination of Dissenters, that this apparent patronage of the old creed, though very

* Youngman's "Letter to the Committee of the Congregational Library, occasioned by their publication of Dr. Wardlaw's Lectures on Christian Ethics" Norwich, 1834.

"will of the foundress, and by the aid of a Version of the
 "Scripture imposed a creed; therefore I shall impose my
 "own creed, in order to carry her will into effect."

prudent, considering the *stationary* doctrine proper to be inculcated while *property* is to be grasped,—is as little consistent with the real creed of the most enlightened of their own body, as it is reconcilable with common sense or Scripture.

The Reviewer of Professor Stuart's work, in the *Congregational Magazine*, appears, on the other hand, to think it prudent and decent to keep the repulsive features of the old creed of his sect out of sight. "He," says Mr. Youngman, "reflects upon the Professor for bringing into notice the '*extravagancies of the early theologians*,' not considering that these '*extravagancies*' are actually embodied in the Westminster Confession, and the Assembly's Catechisms; and that, without implicit obedience to these formulas, the Congregationalists can enjoy neither the endowments of Lady Hewley nor of Mr. Coward. . . . Dr. Wardlaw is the true authentic expositor of the ancient faith; and there is no mincing the matter; the Congregationalists must abide strictly by the ancient formulas, or suffer the consequences of indulging the dangerous liberty of free inquiry."

Mr. Youngman sees the impossibility of reconciling the true Protestant principle with a blind conformity, real or ostensible, with creeds, which have, in their true distinguishing features, been long practically abandoned by the inquiring part of his denomination; and he knows that such a state of things as he describes in the following observations, must be perpetual, if this branch of Dissenters continue to imitate the worst characteristics of an establishment, by putting conscience in opposition to interest, and hanging property on as a dragchain to check the too rapid progress of inquiry. "Theological inquiry," he observes, "cannot have in England a clear and open field. Both the Church and the [Calvinistic?] Dissenters are too deeply intrenched in their ancient formulas, and their assumed infallibility, to admit even the possibility that there are yet discoveries to be made in religion; and that there may be bulwarks, covered indeed with venerable ivy, and imposing to the eye of the beholder, whose foundations are unsound, and whose battlements totter to destruction. The '*Book of Homilies*,' and the '*Longer and Shorter Catechisms*,' are the depositaries of all knowledge, and the termination of all inquiries. The right of making progress was buried in the graves of the Reformers. Happy men! to have discovered all truth, and silenced all future disputations! From these causes the divines of the Church of England and those among the [Calvinistic?] Dissenters have, with much consistency, laboured to keep out of England the results of German speculation; and we are at last forced to receive them by America, as the Baltic timber is sent

Terms of
the Judge-
ment
omitted in
the Decree.

The Decree, as it is drawn up, includes much less than the Judgement of the Vice-Chancellor. It runs thus:—

“ This Court doth declare, that ministers or preachers of
“ what is commonly called Unitarian belief and doctrine,
“ and their widows, and members of their congregations,
“ and that persons of what is commonly called Unitarian
“ belief and doctrine, are not fit objects of, and are not en-
“ titled to partake of, the charities of Dame Sarah Hewley.”

Now it must be presumed that the Vice-Chancellor has thought fit to abandon that part of his Judgement in which he states that Lady Hewley would have objected to her charity being given to the sustenance of persons who disbelieved two given doctrines, and that he admits the difficulties attending the one relating to Original Sin. Unitarian belief, as it is sometimes called, may include as well as exclude the doctrine of Original Sin. But what the Decree implies still requires much interpretation. Unitarian belief, with many, properly designates the belief of the TRINITY IN UNITY. Metaphysical terms are avoided from the necessity attending their employment of accompanying them with definitions, in order to prevent the disputes arising from their varied and numerous senses. In avoiding such terms, a designation has been adopted which leaves it open to future inquiry to ascertain what are essentials of Unitarian belief: the Decree simply and necessarily substitutes other disputes for those now existing.

The “ Im-
proved Ver-
sion.”

On the character of this “ Improved Version” the entire argument of the Vice-Chancellor depended. The work itself has excited the commendation, in greater or less extent, of

“ to us round by Canada, to escape the jealous embargo placed upon it
“ by our considerate statesmen.”

Yet, in curious consistency with this striking picture of the body of orthodox Dissenters to which he belongs, Mr. Youngman tells us, “ I
“ have been educated in a denomination of Christians, by whom I have
“ been taught not to render implicit obedience to any human authority;
“ to maintain inviolate the right of private judgement; and to bring every
“ subject that was offered for my acceptance, to the proper test of its
“ truth.” A principle constantly asserted, and constantly opposed, by
the Independents.

many of the most learned divines; of Watson, Bishop of Elanduff; of Bennet, Bishop of Cloyne; and even of Dr. Pyle Smith, one of the relators' zealous witnesses. It was undertaken with no offensive intent; and had its object been improper, those concerned in its preparation could hardly be exempt from every term of reproach. Their weakness and their folly would indeed have been great; if it had been possible for them to have supposed that exposure and disgrace were not certain. So far, however, from their being liable to any discreditable imputation, their character relieves them from every suspicion. Errors, it is possible, they may have committed; in such a work they easily occur, and their avoidance has not been effected even in the acknowledged version. Yet so far from having distorted the text, the work contains a critical examination of various readings, and affords a fund of biblical criticism useful for every student of divinity. The corrections of Griesbach, whose labours are universally praised, are with great care collected. Archbishop Newcome's text is the basis of the whole, and wherever any variations from it occur they are noticed in the margin. If deception was intended, it is curiously accompanied with the means of detection; and if the reader was to be misled, he has an opportunity of ascertaining, at the same time, the extent of his error. So far from fraud being contemplated, or falsification or interpolation of the text being attempted, every mode to prevent either has been carefully adopted.

The compilers of this version are, without doubt, to be praised for their diligence. It contains a very extensive collection of critical matter on the text and interpretation of Scripture, for which the student would otherwise have far to seek; and it is a great effort towards a work admitted by all learned theologians to be desirable. Are students of theology for ever to remain ignorant of, or with difficulty to discover, the contested passages and conflicting interpretations of Scripture? The version of King James was made previous to the most remarkable critical discoveries. New manuscripts, new suggestions, and new contro-

Its object
and use
among Uni-
tarians.

versions since its date have taken place, and can any be censured for bringing everything together which can bear upon them? Our own version is acknowledged to be defective, and to be, both from its questionable mode of translation and subsequent criticisms, capable of great amendments. It is as open to the objection of being a "creed," and not a "version", if there be any sense in the epigrammatic observation, which may, to a certain extent, be true in many cases of doubtful interpretation, without any impeachment of the honesty of a translator. To remedy a portion of its defects, Archbishop Newcome published his version; and the one, of which his is the basis, varies from it, in profiting by the suggestions made since his death. The "Improved Version" is not, however, an Unitarian Bible, in the popular sense; nor is it adopted in the chapels of those who are called Unitarians. On the contrary, by no body of men has it been more freely criticised, and in their chapels the acknowledged version is still alone used. "It has been intimated that the book called the 'Improved Version' of the New Testament holds the same place among Unitarians that the Public Version does among other denominations. This is incorrect. I have officiated in about forty of our chapels, and I have never seen this 'Improved Version' usurping the place of that in general use; nor do I know of any such instance. Many Unitarians do not like it, and would not wish it to be substituted in their places of worship, or in their families, instead of the Public Version; and I believe the principal use that is made of it is as a valuable work of biblical criticism*." The experience of the Rev. Richard Astley shows a preference to the version most usually in the hands of readers. With what regard for truth, then, can it be stated that Presbyterians have a Bible of their own†?

* *Shrewsbury Chronicle*, Dec. 31, 1833. Reprinted in the "Presbyterian," p. 13.

† "It is now historically true that the Unitarians have a Bible of their own."—*Speech of Sir E. Sugden before the Vice-Chancellor*, Dec. 17, 1833.

The harsh and ill-judged rebukes of controversialists may be excused, from the painfulness of defeat and the mutual spirit of rivalry. Their excitement is accounted for, and the injury of their contention is limited. Not so when he who sits as moderator, or judge, displays the passions of a disputant and the blindness of a partisan. The "Improved Version" has been represented as an endeavour improperly to alter the text of Scripture, to force upon the reader certain impressions, and to prevent that exercise of the judgement which, by a most unwarrantable assumption, notoriously opposed to the fact, the ordinary version is supposed to allow*. The charge is a serious one; but those who were concerned in the publication are not liable to it. Their characters were estimable, and their labours were pursued with a serious and dispassionate desire to give a fair and honest interpretation of the original text. The accusation of fraud cannot with any colour of justice be made against them, nor ought their motives to be impugned. The Vice-Chancellor should have been cautious in his language, and should have considered the duty he was performing, the candour required of a Christian, the courtesy at least due from a gentleman and a scholar. His criticisms seriously weaken the object he endeavours to advance. He

Injustice of the personal charges against its authors.

* Bishop Hare has admirably described this mode of treating those who are not considered as orthodox.—"To what purpose so many watchful nights and weary days? so much piety and devotion? so much mortification and self-denial? such a zeal to do good and to be useful to the world? so many noble specimens of great genius and a fine imagination? *His learning is treated in that manner, that you would think he did not know the first elements of Greek, though even in that, he is much superior to those who make so free with him; and you every day hear his performances run down as whimsys and chimeras by men who never read them, and if they did, could not understand them.* Nor does his warmth of temper come off better; 'tis all over obstinacy, pride, and heretical depravity,—a want of modesty and due deference to just authority. They that speak most favourably look upon him as crazed, and little better than a madman. This is the poor man's character; and, low as he is, they cannot be content to leave him in his poverty. Whereas, had he not been early possessed with a passionate love for the Scripture and philosophy,—had he not thought it his duty above all things to promote the glory of God, and

cannot have pleased the Trinitarian, if the passages he has relied on are the most important of those bearing on the doctrine of the Trinity, and he cannot have shaken the opinions of the Unitarian, if his objections are esteemed of value. At all events, respect for the learned accomplishments, the blameless character of those abused should have been shown; and if mistakes had been committed, they ought to have been ascribed to no disgraceful motive. A Judge who exhibits the violence of his prejudices may afford to a party what they may be pleased to call a triumph; his censures may be extensively circulated; he may send them forth in pamphlets with "Unitarians Defeated" on their titles; but surely no misrepresentation and undeserved abuse can aid the administration of justice.

Extent to
which judi-
cial investi-
gation
would go.

And whither is this species of judicial, or rather crisco-theological investigation, to lead? Let us suppose the case reversed; that a foundation established by a Presbyterian confessedly Unitarian is, by the progress of opinion in the congregation, appropriated by them to Trinitarian preaching. Are we to have an Information filed by Unitarians (if they would so far violate their principles and professions,) interrogating the possessors as to their creed, and inquiring what religious book-societies any of them subscribe to? Is the future Judge to test those books by an Unitarian

"been persuaded that could no way be so well done as by the study of his word and works, 't is more than probable he had at this time been orthodox; and then, instead of his present treatment, his faults would have been overlooked, his learning he excels in would have been extolled, and no defect would have been found in other parts of it. He would have been cried up as the ornament of his age, and no preference would have been envied or denied him: . . . Had the same genius, the same sagacity and labour, been applied to the study of the Scriptures, to settle the text in doubtful places, to mend corrupted ones, to explain hard ones, fix the meaning of obscure ones, and to trace out the literal sense when it can be done; should he, I say, have attempted a work of this kind, instead of thanks and applause, 't is more than probable he would have been treated as a rash man, of no judgement, of little learning, and less religion; and if his works had been sentenced to the flames, a majority would have been for throwing him in after them."—*On the Difficulties and Discouragements which attend the Study of the Scriptures.* London, 1715. pp. 13, 14, 21.

standard? Is he, for instance, if it be discovered that the unfortunate Trustees subscribe to the British and Foreign Bible Society, to examine the version of the Scriptures which that Society circulates;—determine, as he might with Unitarian lights, (used by him with as much propriety as his predecessor uses those of the Trinitarian,) that the version in many places represents a creed rather than a faithful translation; nay, more, that it sent forth as “Christ’s *Holy Gospel*,” the forgeries and interpolations of the dark ages;—and thereupon decree the restoration of the charity to a strict observance of what should be thus determined to be the violated doctrinal intent of the founder, who was wise and consistent enough *not* to restrict it. What more or less has been done in the present case*?

Assuming that the Judgement of the Court is correct in imposing a test upon those who shall in future claim advantages from Lady Hewley’s charity, it is conceived that the removal of the Trustees is entirely without cause. They are men of the highest character and station in society, entrusted with the most important public offices, and altogether beyond the breath of suspicion, as to their desire and capacity to act in the fulfilment of such duties as may be imposed upon them. In the exercise of their discretion, the funds of the charity were distributed among many dissenting denominations,—those professing Unitarian doctrines, in common with others,—none having any undue advantage. This course was approved of by John Lee, Attorney-General, himself one of the Trustees, and indirectly sanctioned by the refusal of Sir James Scarlett, when Attorney-General, to file an Information on the part of the Crown. The present Trustees have imitated the conduct of their predecessors. Removal upon such an account has never, in any similar case, taken place. In the instance of the

Removal of
the Trustees.

* The merits of the “Improved Version” have been considered in “A Letter to the Vice-Chancellor of England, in reply to his Honour’s Remarks relative to the British and Foreign Unitarian Association, delivered Dec. 23, 1833, in pronouncing his Judgement in the Case of the Attorney-General v. Shore and Others. By James Yates, M.A.”

Attorney-General v. the Corporation of Exeter*, the assets of a charity had been for many years misapplied, being appropriated in a manner not warranted by the terms of the trust. But no wilful misapplication had been made, and the Court did not charge the Corporation with it, nor remove them from the trust. The charity was established for the relief of the poor, and was applied to public purposes. The discretion, if any, was strictly limited. Error only had been committed, arising from no wilful misconduct, and no penalty was inflicted in consequence. Lady Hewley's Trustees have a far stronger ground of justification. They imposed no test, not considering themselves empowered to frame one, and no wilful misconduct is charged against them. If they improperly extended the limits of the charity, the rule of the Court would be their future guide. Their opinions surely do not incapacitate them from being "persons of reputation"; nor make them incapable of administering the charity to any class of persons that may be pointed out†. While the Lord Chancellor, who administers immense Church patronage, may himself be a Dissenter,

* 3 Russell, 395.

† Instances are not wanting of persons of different religious opinions from the intended objects of charity, being selected as distributors on that very account. The Presbyterian Board, or Fund, has been on more than one occasion thus honourably selected. In 1798 a distinguished Independent, of strict Calvinistic opinions, intimated his wish to place in the hands of this Board a very considerable sum of money, the interest of which he desired should be permanently distributed by them among ministers, not of their own, but expressly of the donor's religious opinions. In order to prevent misconception, (though, of course, the heretical views and religious opinions of the Board were well known to be altogether different from those of the donor, and no doubt formed the reason for selecting them as likely to be impartial in the execution of their office,) the Board transmitted to him a formal vote, stating that *according to their fundamental principles, they did not require any declaration of religious sentiments from the ministers assisted by them*; but that if he was pleased to intrust them with this mark of confidence, they would esteem themselves bound to comply with his wishes to the utmost of their power. And accordingly, being entrusted with the distribution of the fund, they have done so, so far as they possessed general means of knowledge of the reputed opinions of the parties.

surely a Dissenter can administer a charity among his brethren, under any restrictions that may be imposed!

The Trustees are stated to have belonged to the "Unitarian Association." Mr. Shore, one only of the Trustees of the greater charity, and three managers only of the hospital, are subscribers to it; the other Trustees are not connected with it. To include all the Trustees holding certain opinions in the disqualification of the connexion, is an unusual mode of reasoning and certainly unjust. The disqualification, indeed, of any of the Trustees, in consequence of their connexion with such an association, arises from what cause? The publication of immoral or improper works? No; the publication of a learned version of the New Testament; the attempt to correct presumed errors in the early English translation of Scripture. Had their conduct and their administration of the charity been necessarily connected with the publication, it could only affect those concerned in the publication. The Decree includes those who may never have seen or used it, or, if having seen it, may disapprove of it. If not the acts, but the doctrinal opinions of one class of the Trustees are the disqualification, how is the removal of Mr. Palmer to be accounted for? He is a member of the Church of England, and upon the *status quo* principle, is a most competent person to be concerned in the charity, and he also is disqualified! In ordinary cases,—in all until the present,—the Courts look simply at the acts of the party with reference to the trust: if he has a discretion, its extent is ascertained. If the discretion allowed has been exceeded, then interference becomes necessary. Can it be said an improper discretion was confided to the Trustees? The founder, then, is the subject of censure. Has the discretion in this case been exceeded? Until the Court determined it had, it was not possible to say that Lady Hewley intended to appropriate her charity to the exclusion of Presbyterians, or to confine it to the support of particular doctrines, and of a particular sect with whom she had no communication. Such a determination, if it shall be made, will be binding on the Trustees, whatever association they

Principal objections only apply to part.

may be the members of, and whatever version of the Scripture they may publish. No misconduct is imputed, no dishonesty even suspected. The Judge himself declared this when he gave them all their costs. If the Court shall lay down a rule according to which the funds are in future to be administered, it will be the duty of the present Trustees, as it would be the duty of those who might supplant them; to pay to it implicit regard. Should it be unobserved, a direct breach of trust will then be committed, calling for judicial interference and punishment. It is in every day's practice to find trusts improperly administered from ignorance or indiscretion; but if the Court of Chancery was to remove the Trustees without being guilty of any wilful default, it would act in opposition to those equitable maxims which in such cases have always governed its decisions. If the Court requires subscription to the doctrine of the Trinity and of Original Sin, it will be simply for the present Trustees to propose such a test to those among whom Lady Hewley's charity is distributed—the new Trustees can do no more. It would be reversing every precedent, if the decision of the Vice-Chancellor in this respect should be affirmed, and Trustees who are guilty of no misconduct should be removed*.

* Since the preceding sheets were revised, the Lord Chancellor has suggested, for the consideration of Counsel in Lady Hewley's case, the same question which has been raised at pages 88, 89,—viz., whether, as a conclusion from certain given premises, preference ought not to be shown, in the administration of an ancient Presbyterian charity, to members of the Established Church? Against the Independents the argument is valid. They argue that *such doctrines as were held by the founder* ought to be favoured, and that the doctrines *they profess* approach near to such doctrines. The reply is, Not you, but Churchmen; should be favoured; for, according to the state of the law and the early inclinations of Presbyterians, the doctrines of the Church were preferred to those you receive. But the argument is invalid. Equal injustice would be committed, whether Churchmen or Independents seized the property in dispute. The Presbyterians were opposed to the Church: Lady Hewley (beyond all question an avowed Dissenter,) after all schemes of comprehension were given up (*ante*, p. 15; and Note), by making a perpetual endowment for "poor preachers," showed an intent to perpetuate that opposition, making Dissenters the executors of her trusts; and can

The decision of the Vice-Chancellor has been appealed from as erroneous, as opposed to the evidence, and as inconsistent with its own admissions. It is to be regretted that a decision should ever have been required upon the subject. Those whom time and change have introduced to a participation in the advantages of the charity of Lady Hewley now desire to monopolise the whole, to propagate by it their sectarian opinions, and to administer it on exclusive terms. That course is just, which most effectually promotes Lady Hewley's intent. If her spirit was tolerant and kind, governed by a noble generosity, forbearing and merciful, an alteration in the present disposition of the funds is uncalled for; if she was harsh and narrow in her disposition, making her own fallible views of religion an excuse for compelling their acceptance by others, then indeed it is right that the hands of those who shall become

Proceedings in such cases deprecated.

employing terms peculiarly designative of Dissent; and there is not the smallest probability, either in fact or in argument, to prove an intent, under any circumstances, to favour Churchmen. Her principles, and those characterising the body with which she was connected, become therefore a necessary inquiry. Did those principles admit the propriety of framing any fixed creed—whether one established by law, or arising out of Dissenting institutions? There is not the slightest evidence that any symbol of religious association was ever framed by the body to which she belonged. Had a symbol or a fixed authoritative creed existed, its importance must at once be admitted; but peculiar doctrines cannot be the subject of consideration if no authoritative expression of them is to be found, and still less can they be the subject of consideration when any authoritative expression of them was distinctly opposed by the Presbyterian divines. What, then, were the principles professed, doctrines not being a subject of inquiry? If any person rejecting the doctrine of the Trinity, and admitting the propriety of leaving untouched the great principle of Protestantism—freedom of inquiry—was to establish a charity, and the beneficiaries were to become Trinitarians, can it be possible to doubt that the principle would be upheld in opposition to the peculiar doctrines entertained by the founder? Why does not the converse hold good? Unfortunately our prejudices are often too strong to permit our making those admissions which are necessary for the justification of our belief. When the principle favours our prejudices we admit it—we avoid its operation when it opposes them. The Presbyterians contended for the principle of free inquiry; and this principle was not, and cannot consistently be, subject to any restriction.

masters of her bounty shall not be guided by a feeling of catholic benevolence. Lady Hewley had seen and experienced the bitterness of intolerance; she had been driven with others from the seat of those teachers whose instructions gratified and of whose doctrines she had approved. A cruel persecution suspended the open practice of her religious exercises. Was she moved by resentment to support her tenets with the same bitter feelings as were exhibited against her connexions? What act of her life was tainted by animosity? Those whom she favoured, and the body of which she was a member, displayed an anxiety to hush the angry exclamations of which religion had been the excuse. They renounced creeds, and articles, and tests, and all restraints which should interfere with the conscientious expression of belief; and now Lady Hewley alone is to be put forward as influenced by narrow and cloistered sentiments!

Inconsistency of such proceedings.

Well might Mr. Robertson, the Independent, indignantly exclaim, "At this time—With all the unrighteous acts of the ages that are past, and the mischiefs which they produced, as they poured their tides of vengeance upon the unoffending and the virtuous, who regulated their religious opinions by a divine law which required them to obey God rather than men, demonstrating the absurdity and iniquity of restraining religious opinion by human authority; —With these melancholy examples and lessons before their eyes—At a time when the illuminations of knowledge are throwing their light upon all questions interesting to the moral probationers of earth, and the feelings of mankind are under the strongest excitement towards objects that include the consideration of their improvement as intelligent beings, the subjects of religion who must shortly give an account of themselves to God—When the ignorant and the forlorn, for whose instruction preceding generations had but ill provided, are taught and encouraged to show themselves men, the creatures of God and the subjects of his government, by the Bible circulated to their remotest dwellings, and fixing all their attention upon the word that shall judge them in the last day—At this time,

"when the messengers of Christ, founding all their mea-
 "sures on his authority, and employing nothing but his
 "word as the means of effecting the objects of their mission,
 "are abroad in all lands, assailing superstitions, inveterate,
 "and powerful in all their associations with the hopes and
 "fears of men, and not deterred from any of their attempts
 "to destroy them, by the patronage which protects them;
 "—In these circumstances, when strong in the confidence
 "that knowledge is preparing the purest pleasure for every
 "man who loves his species, for every Christian who loves
 "his Saviour, religious men are fixing their attention on
 "its free advances, and wish for nothing but its unchecked
 "circulation;—At such a time as this, for ministers of the
 "New Testament to exhibit their cause in connexion with
 "legislative prohibitions and common law proscriptions, is
 "a spectacle strange and unholy, and calculated to excite
 "only one feeling in every generous mind, that of entire
 "abhorrence.

"Where have they learnt this practice? Not from the
 "commands of Christ: He has forbidden it. Not from his
 "example. Not from his sanction: He rebuked his disci-
 "ples when, moved by intemperate zeal, they would have
 "inflicted vengeance on those who would not receive him:
 "'Ye know not what manner of spirit ye are of.' The
 "meekness and gentleness of Christ convey the recom-
 "mendation of very different means to his followers; and
 "they who would be approved by him 'must not strive;
 "'but be patient towards all men, in meekness, instructing
 "them that oppose themselves, if peradventure God will
 "give repentance to the acknowledgement of the truth.'
 "That is the province within which are bounded the duties
 "of Christ's Ministers. How deeply is it to be deplored
 "that they have ever gone beyond its limits!

"Ministers of the Gospel among Protestant Dissenters
 "appealing to the common law as the standard of Christian
 "doctrine, as they do who allege that 'Christianity, as
 "maintained in the Church of England, is part of the
 "common law, and that Unitarianism is an indistinct

“ ‘offence, because it is not according to the common law,’
 “ is a most ungracious spectacle. Will these advocates for
 “ the common law be pleased to tell us who is the expounder
 “ of its religious doctrines? Who are the persons charged
 “ with the official duties of explaining the theology of the
 “ common law? I should like much to know the tenets of
 “ religion which they would approve. They might maintain
 “ the doctrine of the Trinity, but would they hold it in con-
 “ nexion with an evangelical creed? The doctrine of the
 “ Trinity is, we well know, received by thousands who are
 “ most hostile to the mode of preaching practised by the
 “ patrons of the case, and who think a Calvinistic creed
 “ most dangerous to the interests of mankind, as they assert
 “ it to be contrary to the truth of Christianity. Suppose
 “ the interpretation of the common law theology to be com-
 “ mitted to persons of this description, with power to indict
 “ and punish those whom they might pronounce offenders
 “ against the common law, we might perhaps have Bishop
 “ Tomline’s ‘Refutation of Calvinism’ provided as the
 “ Test of Orthodoxy, and how would the nine Ministers
 “ relish the application of the common law in this way to
 “ themselves? What would they gain by setting up the
 “ common law as the test of doctrine? Their assent might
 “ be required to other tenets than the doctrine of the Tri-
 “ nity by their judges, who, were they even agreed with
 “ them on this topic, might still find enough in their pro-
 “ fession to charge them with opinions not according to
 “ common law, but indictable by it.”

Peculiar
 unfitness at
 the present
 day.

And if the time when Robertson wrote (1818) was unfitness to such exhibitions, what shall we say of the present? What shall we say of the consistency of these attempts to create petty establishments, to impose restraints on conscience and opinion, and to offer temptations to duplicity and disingenuousness, with the objections so loudly put forth against exclusive establishments and state patronage in clogging, in precisely the same way, the freedom of conscience and the progress of truth?

Application
 for change

The Independents, moreover, are at present, with other

bodies of Dissenters,—with the very men whom they denounce as not Christians,—seeking admission to the English Universities,—Universities founded by Catholics, and, in the progress of Protestant Reformation, applied to a new system of religion. They are in fact petitioning Parliament to permit them to participate in part of the endowments, first of the Roman, and then of the English Church. At the same moment, they are carrying on a war of persecution and exclusion upon account of religious differences. Singular inconsistency! Is it thus that religion is always to be a cause of discord, of a hateful and pernicious contest? The chapels of Presbyterians are to be taken from their present possessors, because their doctrines are *not* exclusive. Parliament is to interfere with the Universities because their regulations *are* exclusive. The principles of the one are tolerant, and therefore are objectionable; of the other contracted, and therefore mischievous. What standard is to be set up, if restriction must exist? Are the Independents to monopolize all the endowments of the country, and grasp the funds of every religious institution? Are their Calvinistic tenets to be those Parliament must approve of, and the Courts of law support? What injustice will ensue! what painful consequences will follow! The donations of ancestors are to be taken from their children. Chapels are to be transferred to new hands, and congregations driven from the places in which they have always worshiped. The Court of Chancery is to become an Inquisition; and its decrees are to forbid religious inquiry.

in the Universities.

The case now before us, if successful, is avowed to be the intended precursor of many more, unless the Court of Chancery shall justify those Presbyterians who opposed the simple words of Scripture to the authority of fathers and of councils—who held as principles the innocence of involuntary error; the sufficiency of Scripture as a Rule of Faith, and the invalidity of human authority in matters of belief. The idle language of fear may be employed, and should it avail, and the interpretation of divines be held to supersede that of the Scriptural reader, an intelligible doctrine is advanced:

Application of the precedent.

—will it be in accordance with the justification of Protestant Dissent? “Let them chant what they will of prerogatives, we shall tell them of Scripture; of custom, we of Scripture; of acts and statutes, still of Scripture; till the quick and piercing word enter to the dividing of their souls, and the mighty weakness of the Gospel throw down the weak mightiness of man’s reason*.”

Toleration
of religious
errors.

The consequences arising from error are not such as can ever be the subject of complaint, as a reason of State. The evils feared are those which arise from favouring the opinions of particular sects and in aiding the odium with which it is sought to affect the rest. Exclusive applause enlarges that desire for temporal superiority to which religion has been so often made subservient. It is only by depressing preeminence, so aided, that Christian charity can ever thrive; by filling the mind with a sense of its weakness, and of the errors it may commit. Religious peace is the result of amicable and kindly feelings, of mutual forbearance and universal charity. Favour the cultivation of these, and religion can never distract society. “There be who perpetually complain of schisms and sects, and make it such calamity that any man dissents from their maxims. It is their own pride and ignorance which causes the disturbing, who neither will hear with meekness nor can convince, yet all must be suppressed which cannot be found in their syntagma. They are the troublers, they are the dividers of unity, who neglect and permit not others to unite those dis-severed pieces which are yet wanting to the body of truth. To be still searching what we know not by what we know; still closing up truth to truth as we find it: this is the golden rule in theology as well as in arithmetic, and makes up the best harmony in a church; not the forced and outward union of cold and neutral and inwardly dividing minds†.”

Conclusion.

Did no evidence exist of the doctrine of the Trinity

* “The Reason of Church Government,” by John Milton, 1641.

† Milton.

having ever been the subject of controversy among Presbyterians; had they made no determination that, as consistent Protestants, no restraints should be imposed upon any of their body who was disposed to question it; had the proceedings of the legislature in 1698, when the prevalence of Arian sentiments was publicly discussed, and a law respecting them enacted, never occurred*; had the controversy of Sherlock and South in 1695, and, a few years after, the proceedings in the convocation against Clarke, never taken place; had there been no historical evidence of the notoriety and the currency of Arian opinions for more than twenty years before the death of Lady Hewley,—still it would be impossible to infer that she or those with whom she was connected, not having imposed restrictions upon the liberty of inquiry, were desirous that such liberty should be restricted. If all the Presbyterians could be proved to have acknowledged the importance of the doctrine of the Trinity, the only inference is, that they, as individuals, were satisfied of its correctness. It was not professed as part of a symbol of faith, as being a portion

* In the case of *Carey v. Abbot*, 7 Ves. 490, the Master of the Rolls had decided, that in consequence of the 31 Geo. III., cap. 32, declaring all dispositions considered unlawful before the passing of that Act should continue to be so, a bequest for educating children in the Roman Catholic faith was bad. In 1832, the 2 and 3 Will. IV., cap. 115, was passed, placing Roman Catholics on the same footing with Protestant Dissenters, in respect of their schools, places of religious worship, education, and charities. Mr. Bradshaw, a Roman Catholic, by his will dated in 1823, bequeathed certain sums of money to Roman Catholic schools. He died prior to the year 1832. A question arose on the legality of the bequest. The Lord Chancellor (May 24, 1834,) determined that the Act of the 2 and 3 Will. IV. was in intention, though not strictly in form, declaratory, and consequently being retrospective, the bequests were valid. The principal cases are far more strong than this one. One objection to the administration of many of the Presbyterian charities is in the nature of forfeiture not taken advantage of, while a law affecting their former administration was in operation; it is not that the charities (at least, not so in many cases,) were originally illegal. But if all such charities were originally illegal, the principle applied to Mr. Bradshaw's bequests, if the case is correctly related to us, would extend to them.

of a common creed, nor was it enforced by any rule of their association ; its validity or its weakness depended upon the same evidence. No disqualification affected those who asserted its weakness ; no encouragement was given to those who acknowledged its validity. All refrained from imposing upon their successors any test which might be presumed to embody the doctrines of which they approved. Those who are now desirous to establish a contrary practice, and to impose upon others their own limited standard of belief, sanction acts in themselves censurable, and only more glaringly so by the violence which has sometimes accompanied them. The same spirit which erected the stake, calls upon the Courts of law to establish the imposition of creeds. The character of the attacks upon the charities of the Presbyterians is too manifest to mislead. It is theological ; it is unconnected with any moral or religious feeling. If a diversion of property from any sect had improperly taken place, or the least semblance of fraud had been committed, the aid of the law would be properly asked, to punish the guilty parties, and to compel that justice to be done which a due sense of morality ought voluntarily to have suggested. But there has been no diversion of the property from the purposes to which it was originally destined. The right of the Presbyterians to the property in dispute is legally perfect and morally incontestable. At the assembly of divines at Salters' Hall, in the language of Sir Joseph Jekyll, Master of the Rolls, "THE BIBLE CARRIED IT." It is for the Court of Chancery to determine WHETHER THE BIBLE SHALL CARRY IT AGAIN.

By such a determination only can inquiries, alike adverse to the spirit and the genius of the English law, be prevented. If articles existed, to which subscription could be made, the course to be pursued might not be difficult. In their absence the Bible only must be the Rule of Faith, and special modes of belief ought not to be considered. Any proceeding to the contrary would sanction, and render necessary, legal processes, both inquisitorial and odious. Precedents for it may be found amongst the hateful acts

of an abolished jurisdiction; but it has been the boast of those who have sat for more than a century in our Courts of Law, that they were precedents they would avoid, and not imitate; and surely this is not a suitable æra for commencing a retrograding course,—for searching consciences and sifting creeds by the aid of Chancery interrogatories,—for setting aside intents truly Protestant in their character,—for making those institutions sectarian and exclusive which their founders left catholic and free,—for reviving principles and modes of proceeding which, even under the government of a Stuart, were opposed as oppressive and intolerable?

THE END.

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